marine resources, science, and technology program, including the matters set forth in such subsection (a). Such material shall be transmitted to the Secretary not later than February 1 of each year, and the Secretary shall cause it to be published as a separate section in the annual report submitted to the Congress pursuant to subsection (a).

SEC. 206. DISTINGUISHED RESEARCH AWARDS.

(a) ESTABLISHMENT AND SELECTION.—There is established a National Oceanic and Atmospheric Administration distinguished research award for outstanding achievements and contributions in problem-oriented research related to ocean and coastal resources which meets international, national, and/or regional needs. One such award shall be made not less than every 3 years from the date of enactment of this Act by the Secretary with the advice of the Administrator and the National Advisory Committee on Oceans and Atmosphere. Each such award shall consist of a citation and a cash honorarium in the amount of $10,000.

(b) NOMINATIONS.—Any citizen or national of the United States, or group thereof, is eligible for nomination. Such a nomination may be made by any person (including a governmental entity), with the exception of the National Advisory Committee on Oceans and Atmosphere and Federal employees. In submitting a nomination, the following shall be included: a description of the research and its importance; letters of support from other researchers in such field or fields; and letters of support from these affected or benefited by such research.

(c) TAX EXEMPTION.—Any amount received as an award under this section shall be exempt from any Federal, State, or local income tax.

SEC. 207. RELATIONSHIP WITH OTHER FEDERAL AGENCIES AND ENTITIES.

(a) IN GENERAL.—Each department, agency, or other instrumentality of the Federal Government which is engaged in or concerned with, or which has authority over, matters relating to ocean and coastal resources—

(1) may, upon a written request from the Secretary or the Administrator, make available to the Secretary or the Administrator, on a reimbursable basis or otherwise, such personnel (with their consent and without prejudice to their position and rating), service, and facilities as may be necessary to assist the Secretary or the Administrator to achieve the purposes of this Act;

(2) shall, upon such a written request, furnish such data or other information as the Secretary or the Administrator deems necessary to fulfill the purposes of this Act; and

(3) shall cooperate with the Administration and duly authorized officials thereof.

(b) WITHIN THE DEPARTMENT OF COMMERCE.—The Secretary shall take such steps as are necessary to assure that each administration, bureau, service, office, and program which is within the jurisdiction and subject to the control of the Secretary cooperates with the Administration and duly authorized officials thereof and assists the Administration in the implementation of the national principles and the declaration of policy of this Act.

SEC. 208. CONFORMING AND MISCELLANEOUS PROVISIONS.

(a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(22) Administrator, National Oceanic and Atmospheric Administration.".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(98) Deputy Administrator, National Oceanic and Atmospheric Administration.".

"(99) Associate Administrator, National Oceanic and Atmospheric Administration.".

(c)(1) Section 2(e) of Reorganization Plan Numbered 4 of 1970 is amended to read as follows:

"(e) In addition, there shall be in the Administration three Associate Administrators who shall perform such functions as the Administrator shall from time to time assign or delegate. Such Associate Administrators shall be appointed by the President, by and with the advice and consent of the Senate. The President shall appoint such Associate Administrators from among individuals who by reason of knowledge, experience, and/or training are especially qualified in the areas of marine resources, marine science or technology, the atmospheric sciences, or other areas of particular interest to the Administration. Such Associate Administrators shall receive compensation at the rate now or hereafter provided for level V of the Executive Pay Rates (5 U.S.C. 5316).".

(2) Persons appointed by the Secretary as additional officers in the Administration pursuant to section 2(e) of Reorganization Plan Numbered 4 of 1970 and serving in that capacity on the effective date of this Act, shall continue as Associate Administrators, notwithstanding the provisions of paragraph (1).

(3) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(135) Associate Administrators, National Oceanic and Atmospheric Administration (3).".

SEC. 209. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act, other than section 204(e), not to exceed $3,330,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this section shall remain available until expended.

Amend the title so as to read: "An Act to improve the national sea grant program and for other purposes."

Mr. HOLLINGS. Mr. President, I ask unanimous consent to indefinitely postpone consideration of S. 3165.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill (H.R. 13035) was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment until the hour of 9 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBYING DISCLOSURE ACT OF 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 722, S. 2477, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2477) to provide more effective disclosure to Congress and the public of certain lobbying activities to influence issues before the Congress, and for other purposes,

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2477) which had been reported from the Committee on Government Operations with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Lobbying Disclosure Act of 1976".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds—

(1) that the enhancement of responsible representative government requires that the fullest opportunity be afforded to the people of the United States to exercise their constitutional right to petition their Government for a redress of grievances, to express their opinions freely to their Government, and to provide information to their Government; and

(2) that the identity and extent of the activities of organizations which pay others, or engage on their own behalf, in certain efforts to influence an issue before Congress should be publicly and timely disclosed in order to provide the Congress and all members of the public with a fuller understanding of the nature and source of such activities.

(b) It is the purpose of this Act to provide for the disclosure to the Congress and to all members of the public of such efforts without interfering with the right to petition the Government for a redress of grievances, and with other constitutional rights.

DEFINITION OF A LOBBYIST

SEC. 3. (a) As used in this Act, the term "lobbyist" means—

(1) an organization which pays any legislative agent an income of $250 or more in any quarterly period, other than payment or reimbursement for personal travel expenses, to engage in one or more lobbying communications; or

(2) an organization which engages on its own behalf, or on behalf of its members, in twelve or more oral lobbying communications in any quarterly period, acting through its own paid officers, paid directors, or paid employees. For purposes of determining whether any organization is a lobbyist under this paragraph, there shall be excluded any communication with a Member of Congress, or an individual on the personal staff of such Member, representing the State, or the congressional district within the State, in which such organization has its principal place of business, and, further, there shall be excluded any communication initiated by Congress whereby the organization provides information or opinion to Congress solely at the request of Congress; or

(3) an organization which, in any quarterly period, engages directly or through a legislative agent in any lobbying solicitations where the total direct expenses of such solicitations is $7,500 or more.

(b) Except as provided in subsection (d),

SEC. 204. OFFICE OF MARINE RESOURCES, SCIENCE, AND TECHNOLOGY.

(a) ESTABLISHMENT.—There shall be established within 60 days after the date of enactment of this Act, a new Office in the Administration to be known as the Office of Marine Resources, Science, and Technology. The Office shall function continuously pursuant to the provisions of this Act.

(b) ASSOCIATE ADMINISTRATOR.—The Office shall be directed by one of the Associate Administrators of the Administration provided for in section (2)(e) of Reorganization Plan Numbered 4 of 1970, as amended by section 208(c) of this Act.

(c) DUTIES.—The Associate Administrator, through the Office, and in accordance with the national principles and the 6-year plan—

(1) shall develop and implement a program for marine resources, science, and technology within the Administration;

(2) shall coordinate marine research, technology development, and demonstration programs and projects within the Administration;

(3) shall (A) conduct planning activities including the identification of national goals and international objectives and human needs and problems which may be satisfied through marine science and technology; (B) undertake technology assessment; and (C) establish a means for determining, and determine, priorities for research and technological development, application, and transfer;

(4) shall provide financial assistance for research and development projects pursuant to subsection (e); and may initiate and promote, in accordance with such subsection, cooperative research and development projects and programs involving the Administration, State and local governments, private industry, universities, and individual qualified persons;

(5) shall review and make recommendations to the Administrator on the budgetary requests of the various ocean and coastal programs in the Administration to the extent that such requests pertain to marine resources, science, and technology;

(6) shall identify and may participate in and cooperate with marine resources, science, and technology programs conducted by other agencies and entities;

(7) shall assist the Administrator in the establishment and maintenance of an information service and exchange or other facility, for the prompt and timely dissemination to potential users and interested persons, of the results of marine research;

(8) shall develop measures for evaluating, and shall evaluate, to the fullest extent practicable, the impacts of marine science and technology activities carried on by the Administration in relation to the amount of Federal investment therein;

(9) shall assist the Administrator in the preparation of the annual report;

(10) shall consider and, through the Administrator, advise the Secretary on ways in which other administrations, bureaus, services, offices, and programs subject to the control of the Secretary could assist in implementing the national principles and the declaration of policy of this Act, including the National Bureau of Standards; and

(11) shall report on the activities of the Office to, and shall carry out such additional functions and responsibilities as may be assigned by, the Administrator.

(d) SIX-YEAR PLAN.—(1) The Administrator, with the assistance of the Associate Administrator, through the Office, shall prepare a 6-year plan with respect to the Administration—

(A) for marine resources, science, and technology research, development, and demonstration; and

(B) for the practical application, dissemination, and implementation of the knowledge and techniques gained through or derived from such research, development, and demonstration.

The 6-year plan shall include an assessment of the potential benefits and estimated costs thereof, and it shall establish requirements and conditions for successful implementation. Such plan shall reflect the priorities determined under subsection (c)(3). In developing this plan, the Administrator shall seek the cooperation of, and assistance from, the National Academies of Sciences and Engineering, the National Advisory Committee on Oceans and Atmosphere, the academic community, industry, State and local governments, and other interested parties. Such plan shall be revised from time to time to reflect new data, and information.

(2) Within 1 year after the data of establishment of the Office, the Secretary shall submit the 6-year plan to the Congress and the President and shall cause it to be published and made available to interested persons.

(e) RESEARCH AND DEVELOPMENT ASSISTANCE.—(1) The Associate Administrator shall, on the basis of the actions taken under subsection (c)(3), identify specific national needs and problems in fields related to ocean and coastal resources. The Associate Administrator shall provide financial assistance in the form of grants or contracts with respect to such needs and problems.

(2) Any person (including a governmental entity) may apply for financial assistance under this subsection for the conduct of research and development projects, and, in addition, specific proposals may be invited. Each grant or contract under this subsection shall be made pursuant to such rules as the Administrator, after consultation with the Secretary, shall prescribe, and in accordance with the national principles and the 6-year plan. Each application for funding shall be made in writing in such form and with such content and other submissions as may be required. The Associate Administrator is authorized to enter into contracts under this subsection without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(3) The activities supported by grants or contracts under this subsection shall, to the extent practicable, be interdisciplinary in nature, and shall, where appropriate, be administered through existing Administration programs, including the national sea grant program, to the maximum extent practicable. The total amount paid pursuant to any such grant or contract may, in the discretion of the Associate Administrator, be up to 100 percent of the total cost of the program, project, or activity involved.

(4) The Associate Administrator shall act upon each such application within 6 months after the date on which all required information is received.

(5) Each recipient of financial assistance under this subsection shall keep such records as the Associate Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project which was supplied by other sources, and such other records as will facilitate an effective audit. Such records shall be maintained for 3 years after the completion of such a project or undertaking. The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of receipts which, in the opinion of the Administrator or of the Comptroller General, may be related or pertinent to such financial assistance.

(6) There is authorized to be appropriated to the Secretary for the purposes of this subsection not to exceed $3,750,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed $15,000,000 for the fiscal year ending September 30, 1977; not to exceed $15,000,000 for the fiscal year ending September 30, 1978; and not to exceed $15,000,000 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this paragraph shall remain available until expended.

(f) INTERNATIONAL COOPERATION.—(1) The Administrator, with the assistance of the Associate Administrator, may provide financial assistance in the form of grants or contracts for the purpose of supporting programs (A) to enhance the marine science and technology capability of any foreign nation, and (B) to encourage international sharing and exchange of information with regard to marine science and technology.

(2) Any person (including any governmental entity, sea grant college, sea grant regional consortium, institution of higher learning, laboratory, institute, or other public or private entity) may apply for financial assistance under this subsection. Each grant or contract under this subsection shall be made pursuant to such rules as the Administrator, after consultation with the Secretary, shall prescribe. Each application for funding shall be made in writing in such form and with such content and other submissions as may be required. Before approving any application for a grant or contract under this subsection, the Administrator shall consult with the appropriate officials of the Department of State.

(3) There is authorized to be appropriated to the Secretary for the purposes of this subsection not to exceed $3,000,000 for the fiscal year ending September 30, 1977; not to exceed $3,000,000 for the fiscal year ending September 30, 1978; and not to exceed $3,000,000 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this subsection shall remain available until expended.

SEC. 205. ANNUAL REPORT AND EVALUATION

(a) ANNUAL REPORT ON MARINE RESOURCES, SCIENCE, AND TECHNOLOGY.—The Secretary shall submit to the Congress and the President, not later than February 15 of each year, a report on the status and prospects for marine resources science, and technology within the Administration. Each such report shall include—

(1) a general description of the marine resources, science, and technology projects and programs conducted or assisted by the Administration;

(2) an analysis of such projects and programs in terms of the national principles;

(3) an evaluation of the Administration's marine science and technology capability, including the status of personnel, vessels, facilities, and equipment;

(4) a statement of the efforts undertaken to promote the application and utilization of the knowledge granted through marine resources, science, and technology research;

(5) a survey of professional opportunities for individuals in marine resources, science, and technology; and

(6) a summary of the efforts undertaken and planned to coordinate marine resources, science, and technology activities of the Administration with those of other Federal entities, State and local governments, private industry, and the scientific and university communities.

(b) EVALUATION BY NACOA.—The National Advisory Committee on Oceans and Atmosphere shall, in accordance with the Act of August 16, 1971 (33 U.S.C. 857-6 et seq.), have the opportunity to review each report prepared pursuant to subsection (a). Such advisory committee shall be invited to submit, for inclusion in such report, comments and recommendations and its own independent evaluation of the Administration's

as used in this Act, the term "lobbying communication" means—

(1) a communication with Congress which is intended to influence an issue before the Congress; and

(2) a communication with the executive branch urging or requesting any officer or employee of the executive branch to act or not to act, or to act in a certain manner, concerning the approval of any legislation passed by Congress, any nominations, any expression of views to Congress concerning an issue before Congress, or any other communication to, or testimony before, Congress.

(c) Except as provided in subsection (d), as used in this Act, the term, "lobbying solicitation" means a solicitation which is intended to influence an issue before the Congress by urging, requesting, or requiring one or more persons to communicate with Congress with respect to any such issue, or to solicit another person to make such a communication.

(d) As used in this Act, the terms "lobbying communication" and "lobbying solicitation" do not include—

(1) a communication or solicitation by an individual, acting solely on his own behalf, for redress of his personnel grievance or to express his own personal opinion;

(2) a communication which deals only with the existence or status of any issue, or which seeks only to determine the subject matter of an issue;

(3) testimony given before a committee or office of the Congress or submitted to a committee or office of the Congress for inclusion in the record of a hearing conducted by such committee or office;

(4) a communication or solicitation made by an officer or employee of the executive branch, acting in his official capacity, or a communication or solicitation by a Member, officer, or employee of the Congress, acting in his official capacity;

(5) a communication or solicitation made by an individual directly employed by a State or local government, acting in his official capacity;

(6) a communication or solicitation made through the instrumentality of a newspaper, book, periodical, magazine, or other publication of general distribution, or through a radio or a television broadcast: *Provided, however*, That this exception shall not apply (a) to a communication or solicitation made through the publication of a voluntary membership organization which is not customarily distributed outside the scope of the membership of such organization, or (b) to an organization responsible for the purchase of a paid advertisement in a newspaper, magazine, book, periodical, or other publication of general distribution, or through a paid radio or television advertisement;

(7) a communication or solicitation by, or on behalf of, a candidate, as defined in section 431(b) of title 2, United States Code, or by, or on behalf of, a candidate for a State or local office, made in his capacity as a candidate for Federal, State, or local office, including a communication or solicitation by, or on behalf of, an organization in its capacity as a political committee, as defined in section 431(d) of title 2, United States Code.

(8) a communication or solicitation by, or on behalf of—

(A) a political party, as defined in section 431(m) of title 2, United States Code, or a National, State, or local committee or other organizational unit of such a political party, regarding its activities, undertakings, policies, statements, programs, or platforms; or

(B) a political party recognized as such under the laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or a committee or other organizational unit of such a political party, regarding its activities, undertakings, policies, statements, programs, or platforms.

(e) For purposes of this Act an oral lobbying communication which is made simultaneously to more than one individual shall be treated as a single oral lobbying communication.

REGISTRATION OF LOBBYISTS

SEC. 4. (a) Each organization shall register with the Comptroller General within fifteen days after initially becoming a lobbyist. Each registration shall contain—

(1) an identification of the lobbyist;

(2) in the case of a voluntary membership organization, the approximate number of individuals who are members of the organization; the approximate number of organizations which are members of the organization, and a description of the type of such organizations; a general description of the procedures by which the organization establishes its position with respect to issues before Congress; and a general description of the geographic distribution and common interests of the persons who are members thereof; and

(3) the number of organizations and the number of individuals from whom the lobbyist received income during the year preceding the year in which the registration is filed where such income was expended in whole or in part for lobbying; an identification of each organization from which the lobbyist received income during such period where the income was expended in whole or in part for lobbying if the amount of income received from the organization constituted 1 per centum or more of the total income received by the lobbyist during such period; and an identification of each individual from whom the lobbyist received income during such period where the income was expended in whole or in part for lobbying if the total amount of income received from the individual and his immediate family was $1,000 or more in amount or value and constituted 5 per centum or more of the total income received by the lobbyist during such period. This paragraph shall not apply to any income received by the lobbyist in the form of a return on an investment by the lobbyist, or a return on the capital of the lobbyist.

(b) The registration filed under subsection (a) by an organization which is a lobbyist under section 3(a)(1) shall also include—

(1) a general description of the subject matter of each category of issues which the lobbyist, as of the date of filing, intends to influence by its legislative agent engaging in one or more lobbying communications; and

(2) an identification of the legislative agent which the lobbyist has retained, including an identification of each officer, director, or employee of the legislative agent, and of any other person to whom the legislative agent expects to provide income, other than personal travel expenses, where the legislative agent expects such officer, director, employee or other person will have responsibility for engaging in lobbying communications on behalf of the lobbyist.

(c) The registration filed under subsection (a) by an organization which is a lobbyist under section 3(a)(2) shall also include—

(1) a general description of the subject matter of each category of issues which the lobbyist, as of the date of filing, intends to influence by engaging in lobbying communications;

(2) an identification of each paid officer, paid director, and paid employee of the lobbyist whom, as of the date of filing, the lobbyist expects will have responsibility for engaging in oral lobbying communications on behalf of the organization, excluding any lobbying communications engaged in as a direct consequence of a solicitation described in subsection 6(d).

(d) The registration filed under subsection (a) by an organization which is a lobbyist under section 3(a)(3) shall also include—

(1) a general description of the subject matter of each category of issues which the lobbyist, as of the date of filing, intends to influence by engaging, either directly or through a legislative agent, in any lobbying solicitation which refers to the same issue or issues and which is intended to reach, or could reasonably be expected to reach, in identical or similar form, five hundred or more persons; twenty-five or more officers or directors, or one hundred or more employees, of the lobbyist, other than officers, directors, or employees identified pursuant to subsection (c) of this section; or twelve or more affiliates; and

(2) the identification of any legislative agent through whom the lobbyist expects to make any solicitation described in paragraph (1).

(e) In the event of any change in the information filed under subsection (a), the lobbyist shall amend the registration required by this section not later than thirty days after the close of the next quarterly period, or a such longer intervals of time as the Comptroller General determines are adequate to disclose the current identity and activities of the lobbyist, except that in the event that any organization retains any new legislative agent after filing a registration under subsection (a), the lobbyist shall amend the registration in compliance with subsection (b) or subsection (d) of this section within fifteen days of the time such legislative agent is retained.

(f) A registration filed under subsection (a) shall be effective until the first day of January immediately following the date upon which the initial registration is filed. Each lobbyist shall file a new registration under subsection (a) within thirty days after the first day of January of each year, except that a person whose registration has expired and who has ceased to be a lobbyist shall register under subsection (a) not later than fifteen days after again becoming a lobbyist.

RECORDS

SEC. 5. Each lobbyist and each person whom the lobbyist retains as a legislative agent shall maintain records relating to the registrations and reports required to be filed under this Act as the Comptroller General determines by reguluation are necessary for the effective implementation of this Act. Such financial records shall be kept in accordance with generally accepted accounting principles. All records required to be maintained by this section shall be preserved for a period of five years.

REPORTS BY LOBBYISTS

SEC. 6. (a) Each organization shall, not later than thirty days after the close of each quarterly period in which it is a lobbyist pursuant to section 3(a), file a report with the Comptroller General covering the organization's lobbying activities during the quarterly period. Each report shall identify the lobbyist, and shall contain the additional information required by the remainder of this section.

(b) In each instance where the lobbyist retains a legislative agent to engage in lobbying in the manner described in section 3(a)(1), the report shall identify the legislative agent and shall also include the following information with respect to each issue which was the subject of one or more lobbying communications by the legislative agent—

(1) a description of each such issue;

(2) the amount of income the lobbyist paid the legislative agent during the period in connection with each such issue;

(3) an identification of each officer, director, or employee of the legislative agent, and of any other person, who received income from the legislative agent, other than personal travel expenses, to engage in one or

more lobbying communications during the period on behalf of the lobbyist, and a description of each issue with respect to which the officer, director, employee or other person engaged in such lobbying. In the case of any such person who engaged in lobbying communications with respect to more than ten issues, the lobbyist shall be required by this paragraph to describe only those ten issues which such person estimates accounted for the greatest proportion of the lobbying communications in which he engaged.

(c) In each instance where the organization is a lobbyist pursuant to section 3(a)(2), the report shall also include the following information—

(1) a description of each issue which was the subject of one or more lobbying communications by its paid officers, paid directors, or paid employees;

(2) an identification of each paid officer, paid director, or paid employee of the lobbyist who made one or more oral lobbying communications on behalf of the organization, and a description of the issues with respect to which such lobbying communications were made. In the case of any such person who engaged in oral lobbying communications with respect to more than ten issues, the lobbyist shall be required by this paragraph to describe only those ten issues which such person estimates accounted for the greatest proportion of the oral lobbying communications in which he engaged. This paragraph shall not apply to any lobbying communication which a paid officer, paid director, or paid employee of the lobbyist engaged in as a direct consequence of a solicitation described in subsection (d);

(3) an identification of any chief executive officer, or any principal operating officer, of the lobbyist, or of an affiliated organization, who made twenty-five or more oral lobbying communications on behalf of the lobbyist, and a description of each issue with respect to which such lobbying communications were made. This paragraph shall not apply to any individual identified by the lobbyist pursuant to paragraph (2). In the case of any such person who engaged in oral lobbying communications with respect to more than ten issues, the lobbyist shall be required by this paragraph to describe only those ten issues which such person estimates accounted for the greatest proportion of the oral lobbying communications in which he engaged.

(4) an estimate of the total expenses incurred by the lobbyist during the period in connection with all the issues with respect to which the organization engaged in lobbying including an estimate of the total portion expended on lobbying communications, and the total portion expended on lobbying solicitations.

(d) The report shall also contain the following information about any solicitation made by a lobbyist during the period, either directly or through a legislative agent, which referred to the same issue or issues and which was intended to reach, or could reasonably be expected to reach, in identical or similar form, five hundred or more persons; twenty-five or more officers or directors, or one hundred or more employees, of the lobbyist, other than officers, directors, or employees identified pursuant to subsection (c) of this section; or twelve or more affiliates—

(1) either a description of each issue with respect to which such solicitation was made, or a representative sample of the lobbying solicitation;

(2) a general description of the oral or written means employed to make such lobbying solicitation, including the identification of any legislative agent through whom the solicitation was made, and an indication whether other persons were requested by the lobbyist to in turn solicit;

(3) an estimate of the total number of persons, including an estimate of the number of affiliates and an estimate of the number of officers, directors, or employees of the lobbyist, directly solicited by the lobbyist; an estimate of the number of States in which persons were directly solicited; and an identification of any State which received, or was intended to receive, 10 per centum or more of the total number of written solicitations made by the lobbyist if such State received, or was intended to receive, five hundred or more written solicitations;

(4) the direct expenses incurred by the lobbyist in making any lobbying solicitation where such expenses exceeded $7,500; and

(5) in any case in which the lobbyist requests, urges, or requires one or more affiliates to in turn solicit, either—

(A) the identification of any such affiliate and, in any case in which the affiliate is a voluntary membership organization, either the approximate number of persons who are members of the affiliate, or an estimate of the number of persons the lobbyist expects the affiliate to solicit; or

(B) an indication of each State in which one or more of such affiliates is located, the total number of such affiliates in each State, and, in any case in which the affiliate is a voluntary membership organization, either the approximate number of persons who are members of all such affiliates in each State, or an estimate of the total number of persons the lobbyist expects all such affiliates in each State to solicit.

REPORT OF GIFTS

SEC. 7. (a) Each report filed pursuant to section 6 shall include a list of any gifts, loans, or honorariums described in subsection (b) or subsection (c) which are made directly or indirectly to any individual Member, officer, or employee of the Congress. Such list shall include an identification of the individuals making and receiving each such gift, loan, or honorarium and a description of the gift, loan, or honorarium and its amount or value.

(b) The requirements of this section shall apply—

(1) to any gift or loan of money, or any honorarium, made during the quarterly period by the lobbyist, by any officer, director, or employee of the lobbyist, or by any legislative agent on behalf of the lobbyist, which exceeds $10 in amount;

(2) to any gift or loan of any goods, services, or any other thing of value made during the quarterly period, by the lobbyist, or by a legislative agent on behalf of the lobbyist, including food, lodging, transportation or entertainment, which exceeds $10 in value;

(3) to any gift or loan of any goods, services, or any other thing of value made during the quarterly period by any officer, director, or employee of the lobbyist or by a legislative agent on behalf of the lobbyist, which exceeds $10 in value and which the officer, director, employee, or legislative agent has taken or will take, in whole or in part, as a deduction under section 162 or 212 of the Internal Revenue Code;

where the aggregate value of all the gifts, loans, or honorariums described in paragraphs (1), (2), and (3) made by the lobbyist, or by the officers, directors, employees, or legislative agents of the lobbyist, to any individual Member, officer, or employee of Congress exceeds $50 in amount or value.

(c) The requirements of this section shall also apply to any gift or loan of any goods, services, or any other thing of value, including food, lodging, transportation, or entertainment, made during the quarterly period by an officer, director or employee of the lobbyist, or by a legislative agent on behalf of the lobbyist, which exceeds $100 in value.

(d) This section shall not apply to any loan made on terms and conditions that are no more favorable than available generally, or to any gift or loan to any individual who is an immediate member of the family of the donor or lender, or to any contribution to a candidate as defined in section 431(e) of title 2, United States Code.

PROCEDURES FOR PREPARING REGISTRATIONS AND REPORTS

SEC. 8. (a) The Comptroller General shall withhold from public disclosure, upon petition by nay person, any information otherwise required to be disclosed to the public pursuant to this Act, upon a showing that disclosure of the information may reasonably be expected to lead to the harassment of any person, or lead to threats or reprisals against any person.

(b) If the expenses or income which a lobbyist must report under section 6 or section 7 are included in an item partly attributable to other purposes, such expenses or income may be reported, in conformity with regulations issued by the Comptroller General, by a good faith allocation which sets forth with reasonable accuracy that portion of the item expended or received for the lobbying activity concerned, and the basis on which the allocation is made.

(c) Wherever a lobbyist is required under section 6 to describe an issue before Congress the description shall include, where applicable, the bill or other identifying number, and, in the case of any issue involving communications with the executive branch, the agency wtih which the lobbyist communicated, and shall be made in such detail as shall disclose the general subject matter which is of interest to the lobbyist and the general position of the lobbyist on such matter.

(d) Each registration filed pursuant to section 4 and each report filed pursuant to section 6 shall be signed by an officer or director of the organization who shall certify that the information certified therein is accurate and complete to the best of his knowledge and belief.

(e) Each person whom a lobbyist retains as a legislative agent, and each officer, director, and employee of a lobbyist, shall furnish to the lobbyist such information as is necessary to enable the lobbyist to comply with the provisions of sections 4, 5, 6, and 7.

DUTIES OF THE COMPTROLLER GENERAL

SEC. 9. It shall be the duty of the Comptroller General—

(1) to develop a filing, coding, and cross-indexing system to carry out the purposes of this Act, which shall contain an index of all persons identified in reports or registrations filed under this Act, including each legislative agent and each lobbyist that retained such legislative agent; and, in cooperation with the Federal Election Commission, to develop a cross-indexing system of persons identified in registrations and reports filed by lobbyists under this Act with persons identified in information filed under section 434 of title 2, United States Code;

(2) except in the case of any information any person has requested be withheld from public disclosure pursuant to section 8(a), to make copies of registrations and reports filed with him under this Act available for public inspection and copying, commencing as soon as practicable, but not later than the end of the second day following the day of receipt, and to permit copying of any such registration or report by hand or by copying machine or, at the request of any person, to furnish a copy of any such registration or report upon payment of a fee which shall be limited to reasonable standard charges for the direct cost of a document search and duplication. Documents shall be furnished without charge or at a reduced charge where the Comptroller General determines that waiver or reduction of the fee is in the public interest;

(3) to preserve the originals of the registrations and reports for a period of not less than five years from the day of receipt;

(4) to compile and summarize, with respect to each quarterly period, the information contained in the registrations and reports in a manner which facilitates the disclosure of lobbying activities. To the extent the Comptroller General determines that it is meaningful and practicable to do so, the compilation and summary shall include information on—

(A) all lobbying activities pertaining to a particular issue; and

(B) the total lobbying activities of lobbyists who share an economic, business, or other common interest;

(5) to make the information compiled and summarized under paragraph (4) available to the public within sixty days after the close of each quarterly period, and to publish such information in the Federal Register at the earliest practicable opportunity;

(6) to employ his powers under this Act to ensure compliance with the Act;

(7) to conduct investigations in compliance with the provisions of chapter 5 of title 5, United States Code, with respect to any violations of this Act;

(8) not later than ninety days after the date of the enactment of this Act and at any time thereafter, to propose such rules, regulations, and forms, in compliance with the provisions of chapter 5 of title 5, United States Code, as the Comptroller General determines are necessary to carry out the provisions of this Act in the most effective and efficient manner possible, and to prevent the evasion of the requirements of this Act; and

(9) to furnish assistance, to the extent practicable, to any person who requests assistance in the development of appropriate accounting procedures and practices to meet the recordkeeping and reporting requirements of this Act.

ADVISORY OPINIONS

SEC. 10. (a) Upon written request to the Comptroller General by any person, the Comptroller General, after consultation with the Attorney General, shall render an advisory opinion, in writing, within a reasonable time with respect to the applicability of the recordkeeping, registration, or reporting requirements of this Act to any specific set of facts involving such person.

(b) Notwithstanding any other provision of law, any person with respect to whom an advisory opinion is rendered under subsection (a) who acts in good faith in accordance with the provisions and findings of such advisory opinion shall be presumed to be in compliance with the provisions of this Act to which such advisory opinion relates. Any such advisory opinion may be modified or revoked, but any modification or revocation shall be effective only with respect to action taken or things done after such person has been notified, in writing, of such modification or revocation.

(c) Any request made under subsection (a), and any advisory opinion rendered by the Comptroller General, shall be made public by the Comptroller General in such form as the Comptroller General deems appropriate, except that upon request of any person seeking the advisory opinion, the identity of such person shall not be disclosed in any information made public by the Comptroller General pursuant to this subsection. Unless the Comptroller General determines that such request must be answered immediately, he shall, before rendering an advisory opinion, provide any interested person with an opportunity to submit written comments to the Comptroller General within such period of time as he shall provide.

(d) Any person who receives an advisory opinion under this section adverse to his interests may file a declaratory judgment action in the United States district court wherein that person resides or maintains his principal place of business.

ENFORCEMENT

SEC. 11. (a) The Comptroller General shall investigate violations of this Act. Any such investigation shall be conducted expeditiously, and in compliance with subsection 9(7) of this Act.

(b) If, as a result of an investigation under subsection (a), the Comptroller General determines that the acts or practices of any person constitute a civil violation of this Act, he shall endeavor to correct the matter by informal methods of conference and conciliation and, if such methods are unsuccessful, he shall refer the matter to the Attorney General.

(c) The Comptroller General shall refer apparent criminal violations of this Act to the Attorney General.

(d) The Attorney General, on behalf of the United States, may institute a criminal action in the district court of the United States for the district where any violation of this Act occurs, or a civil action in the district court of the United States for the district in which the person violating this Act is found, resides, or transacts business. In the case of any civil action, relief may include a permanent or temporary injunction, restraining order, or any other appropriate order.

(e) In any case in which the Comptroller General refers a civil or criminal violation to the Attorney General, the Attorney General shall act upon such referral in as expeditious manner as possible, and shall respond by report to the Comptroller General with respect to any action taken by the Attorney General regarding such violation. A report shall be transmitted no later than sixty days after the date the Comptroller General refers such violation, and at the close of every ninety-day period thereafter, until there is final disposition of the case. The Comptroller General may from time to time prepare and publish reports on the status of such referrals.

INCIDENTAL POWERS OF THE COMPTROLLER GENERAL

SEC. 12. (a) Where necessary for the proper execution of his duties and functions under this Act, the Comptroller General shall have the power, pursuant to rules issued by the Comptroller General—

(1) to require by subpena any person (a) to permit representatives of the Comptroller General to examine records required to be maintained by this Act; (b) to require the attendance and testimony of witnesses; and (c) to require the production of documentary evidence relating to the execution of his duties and functions;

(2) to administer oaths or affirmations;

(3) to obtain through written interrogatories the answers to questions, which answers shall be made within such a reasonable period of time and under oath or otherwise as the Comptroller General may order;

(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Comptroller General and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (1);

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

b) In cases of refusal to obey a subpena or order issued by the Comptroller General under subsection (a), any United States district court within the jurisdiction of which any inquiry is carried on may, on a petition on behalf of the Comptroller General, issue an order requiring compliance therewith.

SANCTIONS

SEC. 13. (a) Any person who fails to comply with section 4, 5, 6, 7, or 8 of this Act shall be subject to a civil penalty of not more than $10,000.

(b) No information contained in any registration or report filed under this Act shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose. Any person who fails to comply with this subsection shall be subject to a civil penalty of not more than $10,000.

(c) In any action brought under this section, the United States district courts are empoyered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate to require the defendant to comply fully and retroactively with subsection (b) of this section and with the registration, reporting, and recordkeeping requirements of this Act and any order issued under it. In determining the amount of civil penalty in any action under this Act, the court shall take into account the degree of culpability, any history of prior failure to comply with section 4, 5, 6, 7, 8, or subsection (b) of this section, and such other matters as justice may require.

(d) Any person required to file a registration under section 4, keep any record under section 5, file any report under section 6, 7, or 8, or furnish any information under section 8(e), who knowingly and willfully—

(1) fails to file such registration, keep such record, file such report, or furnish such information, or

(2) in connection with any such registration, record, or report, or with the furnishing of any such information, falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry,

shall be fined not more than $10,000 or imprisoned not more than five years, or both.

REPORTS BY THE COMPTROLLER GENERAL

SEC. 14. The Comptroller General shall transmit a report to the President of the United States and to each House of the Congress no later than March 31 of each year. Each such report shall contain a detailed statement with respect to the activities of the Comptroller General in carrying out his duties and functions under this Act, together with recommendations for such legislation or other action as the Comptroller General considers appropriate.

GENERAL DEFINITIONS

SEC. 15. As used in this Act, the term—

(1) "affiliates" includes organizations or other groups of person which are associated with each other through any type of formal relationship, such as through ownership, the election of officers or directors, through franchise agreements, through common funding, or through common adherence to a charter or organizational bylaws, whether or not one such person controls the policies or actions of the other. The term shall not include an informal or ad hoc alliance or coalition. For purposes of this Act, a communication or solicitation addressed to any individual in his capacity as an officer, director, or employee of an affiliate shall be considered a communication or solicitation addressed to the affiliate;

(2) "Comptroller General" means the Comptroller General of the United States;

(3) "Congress" means (a) any Member, officer, or employee of Congress; (b) the Senate, or the House of Representatives; (c) any committee of the Senate or House of Representatives, including any standing, special, or select committee of the Senate or the

House of Representatives, any joint committee of the Congress, any subcommittee of any such committee or joint committee, and any conference committee of the Congress; (d) any office of the Senate or the House of Representatives; (e) any office of the Congress; and (f) the Office of Technology Assessment, including the Technology Assessment Board;

(4) "director" means, with respect to an organization other than a partnership, an individual who is a member of a body containing fewer members than the organiztion itself which constitutes the governing board of such organization, and, with respect to a partnership, an individual who is a partner;

(5) "direct expenses" means expenses such as the cost of mailing, printing, advertising, telephones, consultant fees, or the like that are not included in an item partly attributable to other purposes, or which are included in an item partly attributable to other purposes, but which may, with reasonable preciseness and ease, be directly allocated in whole or in part to a particular lobbying activity;

(6) "employee" includes an individual performing personal services as an expert or consultant under contract with the Government;

(7) "executive branch" includes any agency as defined in section 552(e) of title 5, United States Code, and any officer or employee of such agency, except such term shall not include the General Accounting Office;

(8) "expenses" includes—

(A) a payment, distribution, loan, advance, deposit, or gift of money or anything of value made, disbursed, or furnished, and

(B) a promise, contract, or agreement, whether or not legally enforceable, to make, disburse, or furnish any item referred to in subparagraph (A);

(9) "identification" includes, in the case of an individual, the name of the individual and his occupation, business address, and position held in the lobbying organization; and, in the case of an organization, the name of the organization and its address, principal place of business, nature of its business or activities, chief executive officer, and directors;

(10) "income" includes—

(A) a gift, donation, contribution, payment, loan, advance, service, salary, or other thing of value received, and

(B) a contract, promise, or agreement, whether or not legally enforceable, to receive any item referred to in subparagraph (A);

(11) "influence" means to affect, or attempt to affect, the disposition of any issue, whether by initiating, promoting, opposing, effectuating, delaying, altering, amending, withdrawing from consideration, or otherwise;

(12) "issue before the Congress" means the totality of all matters, both substantive and procedural, relating to any pending or proposed bill, resolution, report, nomination, treaty, hearing, investigation, or other similar matter in Congress, including any action or proposed action by a Member, officer, or employee of the Congress to influence, or attempt to influence, any action or proposed action by any officer or employee of the executive branch;

(13) "legislative agent" means any person who receives income from a lobbyist to engage in lobbying for the lobbyist, other than income received as an officer, director, or employee of the lobbyist. Any reference to such term shall include the officers, directors, or employees of a legislative agent. The term shall not include any person who only prepares material for the use of another person who in turn engages in lobbying in his own name;

(14) "lobbying" means engaging in lobbying communications, or lobbying solicitations, or both;

(15) "Member, officer, or employee of the Congress" means a Member of the Senate or the House of Representatives, a Delegate to the House of Representatives, the Resident Commissioner from Puerto Rico, and an officer or employee of the Senate or the House of Representatives or of any Member, committee, or office of the Congress;

(16) "organization" includes a corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or group of individuals, except that it shall not include any organization which does not have one or more paid officers, paid directors, or paid employees;

(17) "paid officer, paid director, or paid employee" means an officer, director, or employee who receives income for his services, other than personal travel expenses, at a rate in excess of $100 a week. An officer, director, or employee who is not employed on a full-time basis is included within this definition if the effective hourly rate at which such individual is compensated exceeds the effective hourly rate of a full-time employee who receives income at a rate in excess of $100 a week;

(18) "person" includes an individual and an organization, whether or not it has paid officers, paid directors, or paid employees;

(19) "personal travel expenses" means expenses for travel but only if (a) the amount paid or received as reimbursement for such expenses does not exceed the actual cost of the transportation involved plus a per diem allowance for other actual expenses in an amount not in excess of the maximum applicable allowance payable under section 5702(c)(1) of title 5, United States Code, for Government employees, and (b) such allowance is received for no more than ten days in any quarterly period;

(20) "voluntary membership organization" means an organization composed of persons who are members thereof on a voluntary basis, and who, as a condition of membership, pay regular dues, subscribe to one or more publications, or make contributions to such organization.

REPEAL OF FEDERAL REGULATION OF LOBBYING ACT

SEC. 16. (a) The Federal Regulation of Lobbying Act (60 Stat. 839; 2 U.S.C. 261 et seq.) is repealed.

(b) All documents, papers, and other information in the custody or control of the Clerk of the House of Representatives or the Secretary of the Senate obtained or prepared pursuant to the provisions of the Federal Regulation of Lobbying Act are hereby transferred to the custody and control of the Comptroller General. The Senate and the House of Representatives consent to the transfer of such documents, papers, or other information.

EFFECT ON OTHER LAWS

SEC. 17. (a) An organization shall not be denied an exemption under section 501(a) of the Internal Revenue Code of 1954 as an organization described in section 501(c) of such Code, and shall not be denied status as an organization described in sections 170(c)(2), 2055(a)(2), 2106(a)(2), and 2522 of Such Code, solely because such organization complies with the requirements of sections 4, 5, 6, 7, and 8 of this Act.

(b) The registration, reporting, and recordkeeping requirements of the Act shall not relieve any person from the registration, reporting, recordkeeping, or similar obligations of any other Act.

SEPARABILITY

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 19. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

EFFECTIVE DATES

SEC. 20. (a) Except as provided in subsection (b), the provisions of this Act shall take effect on the first day of the first calendar quarter which begins more than one hundred and eighty days after enactment of this Act.

(b) The provisions of this Act requiring the issuance of regulations to implement this Act shall become effective upon enactment.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD and Mr. METCALF addressed the Chair.

Mr. MANSFIELD. Mr. President, will a Senator yield me about 2 minutes?

Mr. RIBICOFF. Mr. President, I yield 2 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it appears we will be in fairly late tonight to consider the pending business. It is necessary that we do this because we have for tomorrow Calendar No. 831, having to do with the Federal Energy Administration, which expires the end of this month if not continued; Calendar No. 791, the maritime programs; and Calendar No. 822, having to do with the authorization for the Coast Guard; and then, in keeping with the promise of the leadership, it is anticipated that at a later hour tomorrow the Senate will turn to the consideration of the Tax Reform Act.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the following staff members be given floor privileges during consideration of and votes on S. 2477, the Lobbying Act of 1975:

Richard Wegman, Paul Hoff, Marilyn Harris, Paul Rosenthal, Connie Evans, Joan Childers, Brian Conboy, Claudia Ingram, Win Turner, Jim Davidson, and Ron Chiodo of the Government Operations Committee; Don Tacheron of Senator METCALF's staff; Andy Lowei of Senator CLARK's staff; Vic Maerki of Senator STAFFORD's staff; Carey Parker of Senator KENNEDY's staff; and Tom Sussman of the Judiciary Committee staff; Charles Morrison of Senator ROTH's staff, and Les Doran of Senator BROCK's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STONE. Mr. President, I ask unanimous consent that Pam Weller may have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Bob Brown and Mike Barry, of my staff, may have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, the Lobbying Disclosure Act of 1976, S. 2477, will at last give this country a lobbying disclosure act worthy of its name. It will give the Congress and the country for the first time a lobbying law that is both fair,

reasonable, and workable. It will replace a law which was inadequate when it was first passed 30 years ago and inadequate today.

The failures of the present lobbying law have been so well documented that Congress simply cannot ignore the problem any longer.

The 1946 act fails to give any accurate indication of even the number of persons who lobby as part of their job. The Government Operations Committee received testimony at its hearings suggesting that as many as 10,000 people may be paid at any one time to engage in lobbying efforts. But under 2,000 of these lobbyists are now actually registered.

The 1946 act fails to give any clear picture of the amount of money spent of lobbying each year by lobbyists. Over 25 years ago a select House committee on lobbying activities concluded, on the basis of its own research, that if all the truth was known about lobbying "it would prove to be a billion dollar business." Yet 10 years ago, a major congressional report on congressional reform which investigated lobbying practices concluded that the current lobbying registrations "reveal only a small fraction of the money paid and received for lobbying activities." For example, one major industry, represented by over 250 lobbyists, recently reported spending half of what Common Cause with just 14 lobbyists, reported spending in the same period. In fact, the total amount reported spent on lobbying last quarter was approximately $3½ million—and Common Cause reports accounted for almost 10 percent of that total figure. Although Common Cause lobbies extensively, we all know that its activities do not constitute 10 percent of all lobbying that is actually engaged in. What is more likely is that most lobbying expenditures are unreported. One estimate provided the committee suggests not more than one-tenth of 1 percent of the total amount spent on lobbying is now actually reported.

The 1946 act is totally unenforced. A report by the General Accounting Office prepared for me found enforcement of the act to be practically nonexistent. The report stated that in one recent reporting period 48 percent of the lobbying reports filed were incomplete and 61 percent were received late. Yet, the Justice Department has investigated only five complaints of violations of the law since 1972. In the whole history of the act, there has been only one successful prosecution for violation of the law.

The failure of the present law derives from a number of basic flaws in the way it was drafted.

It does not require an organization to report its lobbying activities if it utilizes its own resources to lobby. To be a lobbyist an organization must receive contributions from others for the specific purpose of lobbying.

It does not apply to organizations or individuals unless lobbying is their principal purpose. These is wide disparity in the way this very vague term is interpreted.

The present law does not cover lobbying efforts which do not involve direct contact with Congress. Lobbyists who attempt to influence Congress by soliciting others to communicate with Congress do not have to report their grassroots lobbying efforts.

The present law does not include lobbying communications with staff employees of Senators or Congressmen. A substantial portion of the lobbying process is consequently outside the scope of the act's coverage.

The present law's reporting requirements are so vague and ambiguous that the lobbyists who do report often file incomplete information or interpret the requirements very differently.

No agency of the Federal Government has clear responsibility and adequate investigatory powers to enforce compliance with the act.

Mr. President, I believe Congress has two choices. It can recognize the present law's failure by repealing the 1946 act, and permit lobbying to go on without any disclosure. Or it can replace the present law with an effective and reasonable lobbying disclosure law. The very clear, compelling, and widely accepted need to have an effective lobbying law makes it clear Congress must choose the latter course.

The business of seeking to influence Congress is now big business. It involves lobbying organizations which may have the active support of 47,000 other organizations, or as many as 1 million individuals. When an organization spends three-quarters of a million dollars, or more, on a letter writing campaign to defeat or pass a single bill, Congress and the public have a right to know this.

Lobbying has an important role in the legislative process. But it must be brought into the open so that the voice of the few, and the money of the few, do not make it impossible to hear the voice of the many.

Senate bill No. 2477 does not regulate or limit lobbying in any way. It places no limits on the amount of money which may be spent or the campaigns that may be conducted. But it does turn the healthy light of disclosure on lobbying and so discourage any lobbying practices which cannot withstand the light of day. It is crucial that a lobbying law do so, for our system of government is based on the consent of the public. It cannot operate fully or fairly if it is distorted by lobbying practices which the lobbyist feels he must hide from the public.

Disclosure will enable Members of Congress, as they consider an issue before Congress, to understand more fully the actual nature and source of the lobbying on that issue. Lobby legislation insures disclosure of the identity and nature of those persons that lobby. Members of Congress should be able to judge with confidence, for example, whether the communications it receives are the spontaneous expression of the public's feelings, or whether they have been generated by the lobbying efforts of a particular interest.

Disclosure will help insure public confidence in the integrity of the government. Americans are concerned about their governmental institutions. Americans are concerned about Government responsiveness to the interests of the average citizen. A Harris poll conducted in 1975 revealed that a lopsided 72 percent to 9 percent of the public feels that "Congress is still too much under the influence of special-interest lobbies." Removing the cloak of secrecy from efforts to influence issues before Congress will help reinforce the public's confidence in Congress.

Disclosure will enable Congress and the general public to tell which views are most represented before Congress and how much money is spent by lobbyists to influence the outcome of which issues.

Disclosure will enhance the lobbying profession by removing the secrecy surrounding its activities. The American people will better understand the nature of lobbying and the role it plays in legislative decisions.

The Lobbying Disclosure Act of 1976 will achieve these goals. It will tell the Congress and the public, for the first time, what organizations are making significant efforts to influence the legislative process, what issues they are attempting to influence, and how much money they have spent in the effort to do so. It will give a comprehensive picture of an organization's efforts to influence an issue before Congress, including its efforts to generate grassroots support for a particular position.

At the same time, it insures that no one will be deterred from fully participating in the public debate on any matter by unnecessarily broad or detailed reporting requirements. The bill will not restrict anyone's right to petition the Government. It will not impose burdensome reporting requirements. It will not discourage members of the general public from talking to their Senator or Representative.

The bill ordered reported unanimously by the Government Operations Committee on March 23 is based on a few fundamental principles.

Individuals that express their own personal views to Congress should never have to register or report as a lobbyist.

Careful distinctions should be made between organizations that do their own lobbying and organizations which hire outside persons to do their lobbying for them.

The registration and reporting requirements should be placed only on organizations who pay employees or agents to lobby for them.

Only organizations that do a significant amount of lobbying should have to register and report.

All groups that lobby should be treated fairly and equally. One interest group should not be exempted or forced to bear a disproportionate burden.

The registration and reporting requirement should be carefully tailored to fit each particular kind of lobbying activity involved. An organization that does its own direct lobbying should have to estimate the total amount of money spent on its lobbying efforts, but it should not have to itemize in detail the amount of money spent in its efforts.

The proper Government agencies should be accorded full authority, and the clear mandate, to administer the new law.

I ask unanimous consent that a summary of the bill's major provisions be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. Mr. President, S. 2477 is the product of 6 days of committee hearings and many months of study by the committee. It represents a practical and balanced approach to a very difficult problem which has been too long neglected by Congress.

I urge the Senate to act promptly on this legislation.

EXHIBIT 1

SUMMARY AND NATURE OF LOBBYING DISCLOSURE ACT OF 1976

S. 2477 replaces the present lobbying law with a comprehensive new statute that specifies who must register as a lobbyist and what information they must publicly disclose. There is no restriction or prohibition on lobbying activities.

I. *Registration:*

A. Requirements for registration as a lobbyist: Only an *organization* with one or more paid officers, paid directors or paid employees must register, and then only if it meets one of three criteria:

(1) it retains a law firm or other agent to lobby for it in Congress and pays the agent *more than $250 in a quarter* for its lobbying work; or

(2) its own paid officers, directors, or employees *directly engage on behalf of the organization in 12 or more oral lobbying communications with Congress during a quarter;* or

(3) it *spends a total of $7500 or more in a quarter on lobbying solicitation campaigns (Direct expenses)* urging or requesting others to get in touch with Congress on a particular issue.

B. Those *not* required to register: Individuals, ad hoc volunteer groups, and organizations which do not have any paid officers, directors, or employees are not required to register or report—regardless of the extent of their lobbying activities. In addition, any organization which *only* contacts the 2 Senators and 1 Congressman who represent the State and district where the organization maintains its principal place of business are *not* required to register as a lobbyist. Finally the bill exempts contacts by Federal, State, and local officials and by political parties and candidates, and certain types of contacts such as official testimony and requests about the status of a bill.

C. Information required when an organization registers as a lobbyist:

If an organization meets the bill's definition of a lobbyist it must register with the Comptroller General once a year. The registration must give basic information about the identity and nature of the organization, the identity of those individuals who will actually be paid to do the lobbying, and the category of issues on which they will work. In the case of voluntary membership organizations, such as trade associations, the registration will also describe the size and nature of the organization's membership and contain a general description of the internal procedure it follows when deciding what position to take on issues. If another organization has contributed to the organization's lobbying effort, the lobbyist would have to identify that organization if the organization contributed at least 1 percent of the organization's total budget. A lobbyist would need to identify an *individual* who contributed to it only if that individual contributed $1,000 or more and the contribution was at least 5 percent of the lobbyist's total budget.

II. *Reporting:*

A. Time period for filing reports: Any organization that is a lobbyist must file a report for each 3-month period in which its lobbying activities exceed at least one of the minimum threshold levels established in the bill's definitions of a lobbyist. If a registered lobbyist's activities in a quarter do not exceed any of these minimum levels, the organization will not have to file a report for that quarter.

B. Information required: The quarterly reports will identify the issue on which the organization actually lobbied, and the identity of those who did the lobbying. Additional information is tailored to fit the particular type of lobbying involved in order to disclose the nature and extent of the organization's lobbying effort without requiring the organization to keep additional detailed records of its activities.

C. Reporting requirements for information on direct lobbying:

If the lobbying organization retains a lawyer or other legislative agent to engage in direct lobbying, the report asks for an estimate of the amount of money the lobbying organization expended on each issue and an identity of the person who lobbied on the issue.

If the organization does its own lobbying, it must provide only a general estimate of the total amount spent in the quarter in connection with its direct lobbying effort. This provision does *not* require an itemized breakdown of the lobbyist's expenditures. The organization's lobbying report must also indicate which of its paid officers, paid directors, or paid employees lobbied, and describe briefly up to 10 issues on which each of them lobbied. The lobbying activities of a chief executive officer who is not paid by the organization must be disclosed only if the officer engaged in 25 or more oral lobbying communications during the quarter.

If the organization qualifies as a lobbyist *only* because of its solicitation efforts, no information on any direct lobbying is required.

D. Reporting requirements for information on solicitations:

Organizations which meet the $7,500 solicitation threshold must provide information on any particular solicitation which was intended to reach 500 or more members of the general public, 25 or more of the organization's own officers or directors, 100 or more of its own employees, or 12 or more of its affiliates. The report must describe the issue involved, the general size of the campaign, whether it was conducted by phone, through the mail, or otherwise, and the extent that the lobbyist requested any of its affiliates to in turn solicit others. The cost of any specific lobbying solicitation campaign must be given only when the effort is a major one involving at least $7,500 in direct expenses in a quarter—such as for advertising, printing, postage, or the like.

Organizations which qualify as a lobbyist as a result of direct lobbying efforts, but which also engage in lobbying solicitations, must report the same information about any particular solicitation which meets the criteria noted above for an organization that only solicits. In addition, such groups must provide a general estimate of their total expenses in the quarter on lobbying solicitation efforts.

E. Reporting requirements for information on gifts: The requirement to report gifts to Congress applies to all lobbying organizations. The lobbyist must provide information on the nature and value of all gifts to Members, officers, and employees of Congress if during the quarter the lobbyist gives that particular individual at least $50 worth of gifts each valued at $10 or more or if during the same period an employee of the lobbyist makes such gifts and takes them as business deductions for tax purposes. In addition, any gift worth at least $100 made by an employee of the lobbyist must be reported whether or not the employee takes the gift as a business deduction. "Gifts" is defined to include in-kind gifts such as food, lodging, transportation, and entertainment, as well as cash gifts.

III. *Administration and Enforcement:*

A. Administration of the law: The General Accounting Office will have administrative responsibility for implementing the new law. It will have rule-making authority and investigative powers subject to the procedural safeguards of the Administrative Procedure Act. The Comptroller General will also have the authority to issue advisory opinions in consultation with the Attorney General.

B. Penalties for violations of the law: Violations of the law will be subject to civil fines assessed through enforcement suits in Federal district court. Willful and knowing violations of the Act, including the filing of fraudulent reports, will be subject to criminal penalties. All litigation in Federal court to enforce the new law will be the responsibility of the Department of Justice.

EXAMPLES OF WHO WOULD BE A LOBBYIST

The following are examples of who would be a lobbyist and who would not be a lobbyist under the bill's provisions:

(1) An individual citizen, concerned about the safety of children's toys, journeys to Washington and talks on his own behalf to staff assistants in the offices of 80 different Congressmen or Senators. The citizen *is not* a lobbyist because he is simply expressing, on his own behalf, his personal concern about a matter.

(2) A lawyer is retained by a company to obtain an amendment to a tax bill pending in Congress. In connection with the services provided his client, the lawyer drafts proposed wording, and discusses the wording with the staff of the appropriate committee. The company *is* a lobbyist so long as it pays the lawyer more than $250 a quarter for his work, and the lawyer communicates orally or in writing with Congress on one or more occasions.

(3) An organization with no paid employees except for one full-time administrator engages in lobbying through members who volunteer their time. The volunteers talk to Congress a total of more than 12 times in a quarter. The organization *is not* a lobbyist since its lobbying is all done by volunteers.

(4) Paid employees of a national company call the staff of Congressional committees on 20 occasions during a quarterly filing period in order to determine whether the committee has scheduled hearings on certain bills, and whether the committee has reported other measures out of committee. In addition, the company president testifies before the committee on a particular bill and also writes two letters to the chairmen of two committees on particular legislation. The company engages in no other communications with Congress. The company *is not* a lobbyist since the bill, in determining whether an organization is a lobbyist, excludes written communications made on the organization's own behalf, and oral communications which only seek information about the status of certain bills or which only involve testimony before a committee.

(5) The president of an organization which is concerned about the possible effect of a pending bill on its business speaks in person or on the telephone with his two Senators and the Congressman representing the district in which his business is located. He talks about the bill a total of 15 times to his representatives or their personal staff assistants but otherwise does no lobbying on the matter. Since the businessman only speaks to his own Senators and his Congressman he *is not* a lobbyist.

(6) Three paid employees of an organization call committee staff aides a total of 20 times during a quarterly filing period in

an attempt to secure passage of amendments to three diferent bills. On a fourth issue the president writes the chairman of two committees urging passage of the legislation and speaks in person with the Senators and Congressman representing the state or district in which the business is located a total of 10 times. While none of the individuals would be a lobbyist, the organization *is* a lobbyist since together its three paid employees engage in over 12 *oral* lobbying communications in connection with the first three issues. The organization's activities in connection with the fourth issue would not in itself make the organization a lobbyist because written communications, and communications with the Senators and Congressman representing the district in which the organization is headquartered can not make an organization a lobbyist. Because it is a lobbyist for other reasons, however, the organization's quarterly report must include, in addition to a description of the first three issues, reference to the fourth issue.

(7) Paid employees of an organization engage in frequent conversations with executive branch agencies about regulations the agencies have proposed, but they engage in conversations with Congressmen or their staff less than 12 times in a quarter. The organization *is not* a lobbyist that must register and file a report, since the bill focuses on lobbying done on issues before Congress.

(8) Paid employees of an organization urge various executive branch officials on 10 different occasions to give testimony before Congress supporting particular legislation of interest to the organization. The company also talks on 10 different occasions during the same three month period with members of the appropriate congressional committees or their staff. Since the communications with the executive branch specifically urge officials to communicate with Congress about pending legislation, they are lobbying communications for purposes of determining whether the company is a lobbyist. Since the total of all oral lobbying communicatons before the exectuive branch and Congress exceeded in this case 12 the company *is* a lobbyist.

(9) A voluntary membership organization that is a lobbyist because its paid employees engage in over 12 oral lobbying communications in a quarter solicits the president of its 50 affiliated organizations to communicate with Congress about pending legislation. The member organizations in turn each talk to Congressmen about the issue, but none of them engage in 12 or more oral communications during the period. The member organization *is not* a lobbyist. The organization that solicited its affiliates must include in its report, however, that as part of its lobbying activities it solicited these organizations on a particular issue.

(10) A large national company that is a lobbyist because its Washington office engages in over 12 oral lobbying communications in a quarter sends a letter out to all 2,000 of its paid employees throughout the country urging them to communicate with their own Congressman about a bill directly affecting the company, 100 of them do so. However, because the communications were the direct consequence of a lobbying solicitation campaign, the employees who talk to their own Congressman in response to the solicitation do not have to be individually identified on the company's lobbying report. Rather the organization's report must describe the nature and extent of the solicitation campaign.

(11) Several individuals who are personally concerned about an environmental issue buy with their own personal funds an advertisement in the newspaper costing $10,000 urging the public to write Congress in support of a particular environmental bill. The individuals do not act on the behalf of any organization. The individuals *are not* lobbyists since they are using their own money to express their own personal views on an issue before Congress.

(12) An organization that favors a certain energy policy spends $15,000 on newspaper advertisements opposing a particular bill and urging the public to write their Congressman on this legislation. The organization *is* a lobbyist even if it does not engage in any direct lobbying of its own since it has spent more than $7,500 in a quarter in direct costs associated with lobbying solicitations.

Mr. PERCY. Mr. President, once again I look forward to working with our distinguished chairman, Senator RIBICOFF. Again, he has, in a highly controversial matter, involving many factions in our American political system, with considerable patience and wisdom, through the extended hearings we have held, has helped guide our committee to a bill, S. 2477, that I think represents the very best we could come up with and that balances the various forces.

We appreciate very much the cooperation of every member of the committee, particularly Senator JAVITS, who used to be the ranking minority member and who continues to have a keen influence and insight into the problems brought before the Committee on Government Operations.

Mr. President, Congress does not need to be protected from lobbying through extensive regulation and restriction of lobbying activities. Such an effort would gravely endanger the basic constitutional rights of the people to free speech, association, and a redress of grievances. In addition, it would seriously hamper the vital flow of information and access to a variety of viewpoints which Congress must have if it is to legislate effectively.

What is necessary, and what S. 2477 would accomplish, is for Congress to have access through disclosure to the information it needs to evaluate attempts to influence the course of legislation. As Chief Justice Warren stated in reference to the 1946 Lobbying Act:

> Present day legislative complexities are such that individual Members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise, the voice of the people may all too easily be drowned out by the voice of special-interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the Lobbying Act was designed to help prevent.

The business of lobbying has indeed become complex. As the Government has expanded, efforts to communicate with Congress have increasingly been channeled through organized lobbying efforts. It has been estimated that there are as many as 10,000 paid lobbyists, representing hundreds of thousands of organizations and millions of individuals.

In 1950, it was estimated that lobbying was a billion-dollar industry. That was over 25 years ago. One can imagine how much money is spent on lobbying today.

Moreover, the tools of the lobbying trade have become incredibly sophisticated. With access to vast research organizations, lobbyists can marshal highly specialized information. And with the help of computers, a lobbying organization can easily target key individuals and organizations to solicit particularly influential or undecided Senators and Congressmen. We are all familiar with such efforts, often costing hundreds of thousands of dollars and stimulating an enormous volume of mail.

In order to properly evaluate these pressures, Congress must have adequate information about the nature, source, and magnitude of lobbying efforts. Congress must know what interests are behind a lobbyist, whether he represents just a few or many, and how much money is being spent. In addition, it is important to know whether constituent mail has been generated by a well-orchestrated lobbyisg campaign—not that these letters are any less valid because they have been stimulated, but in order to determine whether the communications represent a spontaneous expression of the public as a whole or the concerns of a particular organized interest.

Of equal importance, the public has a right and a need to know about efforts to influence their elected representatives. In this presidential campaign year, we are all well aware of the lack of public trust in government that is pervading this country. Indeed, a 1975 Harris poll revealed that 72 percent of the public feels that "Congress is still too much under the influence of special interest lobbies."

In order to restore a sense of faith in our governing institutions, it is particularly important to insure that the public has all of the information it needs to understand the legislative process. Lobbying disclosure is an important step toward that goal.

It will dispel many of the unjustified suspicions of improper influence. In addition, it will encourage greater public participation in the legislative process by revealing what interests are adequately represented, and which need a stronger voice.

Finally, Mr. President, disclosure of lobbying activities is an important means of discouraging improper efforts to influence Congress without treading on constitutional rights. As Justice Louis Brandeis noted:

> Sunlight is said to be the best disinfectant.

For all of these reasons, it is vital for Congress to enact comprehensive lobbying disclosure legislation. The need for such a strong, workable statute was expressed overwhelmingly by witnesses before the Government Operations Committee.

Legislation was enacted in 1946 in an attempt to achieve comprehensive disclosure. However, as Chairman RIBICOFF has described in detail in his opening remarks, the 1946 act has proven to be vague, ineffectual, and unenforceable. Not only does it ignore two of the most important types of lobbying—contacts with congressional staff and well-orchestrated solicitation campaigns—it is so vaguely worded that compliance with the law has become a laughing matter. Only about 20 percent of all working lobbyists are registered under

the existing law, and it has been estimated that only one-tenth of 1 percent of all money spent on lobbying is reported.

Mr. President, every State has a lobbying law, and since 1972, more than half of those laws have been strengthened. It is high time for the Federal Government to get its own house in order and replace the very weak, counterproductive 1946 statute with a strong, reasonable, and workable lobbying disclosure law.

The only other logical alternative is to wipe lobbying disclosure requirements off the statute books altogether. I submit that this really is no alternative at all.

Once we accept the responsibility to provide for comprehensive disclosure of lobbying activities, the obvious question is what criteria should be used to judge various competing proposals.

First and foremost, the bill must not tread on the basic rights guaranteed by the first amendment. S. 2477 has been painstakingly drafted to avoid this pitfall, with equal attention to the danger of having a chilling effect on the exercise of these rights as well as the need to avoid any outright restrictions.

In addition, the bill must require the disclosure of enough basic information to enable Congress and the public to assess lobbying efforts. Too weak a bill will impose reporting costs without any offsetting benefits. Yet on the other hand, the bill must not seek information which is so costly to obtain that compliance would be unreasonably burdensome. Thus provisions requiring extensive recordkeeping of a lobbyist's contacts or detailed itemization of expenditures—even though this information might be useful—must not be imposed. The Committee on Government Operations has labored for many months and considered over twenty drafts in order to arrive at this extremely delicate balance.

A third criterion, one which I find to be particularly important, is that the bill must be absolutely evenhanded. It would be unconscionable to give preferential treatment to one interest over another—be it a business, labor, environmental, church, or public interest group. Any organization which engages in a significant amount of lobbying should be required to disclose basic information about its activities.

I think here, Mr. President, it might be well to take into account that when we use the term "lobbying," many times it has an onerous connotation. I have spent many, many hours trying to explain to my constituents in the State of Illinois that were it not for lobbyists, we would have to have staffs and research and money and facilities in the Congress of the United States double, triple, or quadruple what we have now. The fact is that every single time, virtually without exception, that we have a major issue before Congress—whether it is a defense bill, whether it is an agriculture bill, whether it is a public works bill—you have opposing lobbyists. You have environmentalists on one side and you have those who believe in economic growth without regard to the environment on the other; or you have labor and you have management; you have consumer interest and producer interest; you have those who believe in a strong defense and those who think you should put domestic priorities ahead of it. It is possible for us to go to each of these groups—the most articulate, the best groups on both sides—and have them prepare the best research that they can. Every Member of Congress, probably, does this. Then, final judgments can be made. We can do this in almost every field. We encourage lobbying. We encourage that process.

As a matter of fact, if any of us would reread Federalist Paper No. 10, done by Madison, we would see the intricate structure of factions built in this country—one interest against another—which, when they are brought together, generally bring out the best policy. What we are simply trying to do is say, lobbying is not bad, but we want it out in the open. There should be no one ashamed of what they do. They should take the time and be willing to take the time to say what they are doing—how much they are spending, how they are directing their effort—so we can tell what the effect of lobbying is and what forces are involved in lobbying. By no means are we trying to have it go further underground. We want it brought out in the open. For the most part, I would say most of what we see is going to be good and in the interest of arriving at logical, sound conclusions.

Fourth, the definition of a lobbyist must reflect the actual effort to influence Congress. After serious consideration, the Committee has determined that simply measuring how much an organization spends on lobbying is not enough. Many of the public interest groups lobby just as actively as labor or business, yet spend substantially less on salaries and general overhead than their colleagues with greater resources. Instead, the principal emphasis should be on the number of contacts a lobbyist has with Members of Congress and their staffs. The threshold provisions of S. 2477 reflect these findings.

Finally, clear provision must be made for enforcement of the law. No statute requiring disclosure of lobbying activities will be easy to enforce. However, unlike its 1946 predecessor, S. 2477 contains a clear and workable mandate for enforcement of the law, while protecting those who are ignorant of its provisions from blind punishment.

There are a vast number of other factors which must be considered in drafting lobbying disclosure legislation, factors which have been weighed carefully during the development of S. 2477.

I am confident that this bill is worthy of prompt Senate passage. We have shirked this responsibility too long already.

Certainly, by the time the day closes, I think we will have considered carefully every amendment. There will be time to consider it and debate them, but I trust that we will move forward with our usual dispatch and complete this bill today.

Mr. JAVITS. Mr. President, the legislation which we begin debating today seeks to implement important reforms in a fundamental aspect of the legislative process. S. 2477 would allow the Congress and the American people a better chance to identify the forces which daily shape and direct the work of the legislative branch.

This bill is the product of more than a year of work by the Committee on Government Operations and its chairman, Senator RIBICOFF and Senator PERCY, our ranking minority member. The earlier legislation introduced by Senators KENNEDY and STAFFORD contributed significantly to the reasonable and creative resolution of an extremely complex range of issues. S. 2167 introduced by myself and Senator MUSKIE also contained ideas which hopefully facilitated the development of the bill before us today.

Any reform of the 1946 Federal Regulation of Lobbying Act must start from the premise that the right to petition the legislative and executive branches is protected by the first amendment. Also, constitutional concepts of privacy emanating from the fourth and ninth amendments must be reconciled with any new lobbying legislation. Governmental and public interests sought to be protected and promoted by lobbying disclosure requirements must be compelling.

In *United States* v. *Harriss*, 347 U.S. 612 (1954), the Supreme Court found that disclosure of lobbying activities was a compelling governmental interest sufficient to meet first amendments objections:

> Present-day legislative complexities are such that individual members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the Lobbying Act was designed to help prevent.

In recognition of the individual's constitutional rights involving access to the Congress, S. 2477 does not require any "individual" to register and file reports. Our bill limits the definition of "lobbyists" to organizations, which acting through paid employees, attempt to influence policy decisions. The bill specifically excludes from the definition of lobbying, requests for information, hearing testimony, and communications from State and local employees acting in their official capacities.

A painstaking effort has been made to strike a delicate balance between the desirability of public disclosure of such information and the undesirability of requiring persons to report every effort to encourage others to communicate with Congress. Major widespread and well financed lobbying solicitations will be reported. Ad hoc or local grassroots efforts which do not exceed the bill's substantial financial threshold will not be covered.

As important as it is for this bill to preserve that delicate balance, it is

equally important that it be evenhanded in its applicability to business, labor and public interest organizations. In developing S. 2477 we recognize not only that lobbyists should be required to work openly and visibly, but also that they must not be overburdened with needless clerical and administrative record keeping requirements which could restrict their effectiveness and their unquestioned right to communicate. We seek only to provide for the public disclosure of lobbying activities by organizations. The bill in no way seeks to regulate the content or extent of the lobbying activities themselves.

Mr. President, the relative ineffectiveness of the present law has been established beyond a doubt. The testimony of Deputy Attorney General Harold R. Tyler and other witnesses before our committee, as well as other commentators conclude that the reason why the 1946 act has been relatively ineffective is because of its narrow application. In this connection, the Harriss case has enabled many to escape from the act's provisions because: First, their lobbying activities were not their principal activity; second, their communications were with congressional staff members rather than with Congressmen; or third, they did not receive contributions for the primary purpose of influencing legislation. The act thus covers only a lesser portion of all lobbying activity.

A second reason for the act's problems is its enforcement provisions .The required registration and reports must be filed with the Clerk of the House and the Secretary of the Senate. However, these officers have served merely as repositories of the records without any affirmative responsibility to investigate possible violations of the act or to refer complaints to the Department of Justice. The Department of Justice is authorized to enforce the act's criminal sanctions, but lacks specific authority to monitor lobbying activities. Instead, as in the case of many Federal criminal statutes, the Department's involvement begins once complaints have been filed or referrals have been made. Since neither the Clerk of the House nor the Secretary of the Senate may monitor violations of the act, they make few referrals to the Department of Justice. Consequently, relatively few prosecutions have been brought. Finally, the act provides only for criminal sanctions, clearly inappropriate for minor or unintentional violations.

Under the present law monitoring of lobbying is restricted to recordkeeping in the offices of the Secretary of the Senate and the Clerk of the House. These registration statements and quarterly reports are inadequate and in view of some observers useless. The GAO testified before the Government Operations Committee that almost 50 percent of the reports were incomplete and 60 percent were received late. The Senate must either significantly strengthen these deadletter provisions or wipe them off the books.

In the more than 25 years during which I have been a Member of Congress, I have witnessed vast changes in the way that lobbyists operate to influence the public business. However, there have been no changes in the law designed to keep up with the changing times. In the era of the computer, and the mass organization of grassroots lobbying we need a law designed with as high a level of sophistication as the methods of the profession itself.

It has been asserted that the registration and reporting requirements of the bill are unnecessarily burdensome. In my view, they have been designed to ellicit the necessary information without unnecessary or duplicate filings. Rather than requiring both the organization that hires a legislative agent, and the legislative agent himself to register and file a report, the bill imposes all registration and reporting requirements on the organization alone.

The reporting requirements do not impose unnecessary detail on the lobbying organizations. Lobbyists will not have to report on every solicitation, only those that are large enough to be influential. Logs of individual contacts will not be required. In other words, reports are not required on the nature or substance of individual conversations, or the names of people with whom the lobbyist communicated. Detailed financial reports are avoided. For example, the reporting requirements do not require information on the amount of money received in salaries by each individual who lobbies for an organization. Nor do they require the burdensome and unworkable itemization of expenditures required under the present act. On the other hand, the total expenditures of the organization is meaningful and relatively easy to ascertain. The lobbyist will be required to estimate the amount of these total expenditures in its report.

In another important provision, the bill imposes clear administrative responsibility for its enforcement on the Comptroller General. The Comptroller General will possess the administrative and investigative tools he must have to do an effective job. He will be able to conduct the necessary investigation, issue the necessary regulations and rules, and adopt necessary forms and procedures required to carry out the bill's purposes. He will have the authority to issue advisory opinions so that any person in doubt about the effect of the law will be able to obtain a speedy and definitive ruling. I am considering an amendment also to enable the Comptroller General to go into court in this field.

Mr. President, the erosion of public confidence in the political process has been fully documented. Since the impact of private expenditures in order to influence the legislative process affects the public interest, lawmakers and citizens must be allowed to know the facts so that they may draw their own conclusions and pass their own judgments. There is virtually no public scrutiny of the interaction between public officials and outside persons who seek to influence them. Neither does the public have ready access to documents reflecting the nature and extent of these activities. It is essential that the Senate pass S. 2477 and that this be accomplished expeditiously in order to insure its enactment in the 94th Congress.

Mr. President, organizations can lobby for anything they please, within the Constitution and the laws, whether it is conservative or liberal, and the same rules go for everybody. Liberals do not have to feel that conservative lobbying is iniquitous; therefore, it has to be more carefully scrutinized, and vice versa. That, I think, is the greatest strength of this measure.

This very delicate balance has been struck in respect of this act by the way it has been drafted, and both my colleagues are entitled to enormous credit for the way in which they have carried it through.

In addition, we are very deeply concerned about paperwork, and a great effort has been made to cut down the amount of paperwork and unnecessary detail, and it is streamlined, so that we get the information which has a direct bearing upon the issue to be decided in terms of the weight of the effort, in a lobbying sense, which has gone into the persuasion which is exerted upon all of us.

We do not know all that much about every particular issue; and, like judges, we need the best-informed and most passionately made case on both sides, pro and con. As I say, I believe that the bill strikes that very delicate balance.

I shall have probably one amendment, and that is to give the power to the Comptroller General to go into court. He is going to have the responsibility to receive these documents, these reports, and monitor them and to enforce the law which has been long lacking, without any faultfinding with the Clerk of the House and the Secretary of the Senate. The fact is that this is hardly in their line—the monitoring of activities of this character.

Now the GAO will do it, and the Comptroller General should have the authority to go into court if need be—that is, if the Department of Justice will not act reasonably. I believe we can have enough confidence in the Comptroller General so that if he makes a judgment that court action is necessary, at least a prima facie case will have been made, so that if the Attorney General does not act, the Comptroller General should be in a position to act.

We will have a large number of amendments. We will conisder them objectively and with the skill we all have acquired in the course of considering this measure; but I believe that the measure is sound, properly balanced, and I commend it to the Senate.

Mr. CLARK. Will the Senator yield?

Mr. RIBICOFF. I yield 5 minutes to the distinguished senior Senator from Iowa.

Mr. CLARK. Mr. President, I, too, join in extending my congratulations to Chairman RIBICOFF and the members and staff of the Government Operations Committee for the outstanding work they have done over the past year in developing S. 2477, the Lobbying Disclosure Act of 1976. S. 2477 is another vitally important step in the effort to restore trust and confidence in the Federal Govern-

ment, and because of its great importance it is critical that the Senate act on this legislation without delay. During the course of this debate, Senator KENNEDY, Senator STAFFORD, and I will be offering a series of four amendments designed to strengthen the provisions of the bill as reported. However, we are hopeful that accommodations can be reached on these amendments and that they can be disposed of expeditiously.

Mr. President, the tragic events of the last 3 years have made the American people aware of the dangers of Government secrecy as never before. Fortunnately, Congress has not been blind to the distrust and apathy bred by closed-door government. We have moved effectively in the area of campaign reform, with strict requirements for the disclosure of campaign contributions and expenditures. Both Houses have moved to conduct their committee meetings in full public view. Legislation is now well under way to open the meetings of executive branch agencies, and to require personal financial disclosure by Members of Congress and nigh-ranking Government employees.

Progress had been made toward ending Government secrecy in just about every way imaginable. Except one, one which common cause Chairman John Gardner has listed as among the "most secretive and potentially corrupting ingredients in American politics"—lobbying.

Congress has done nothing about lobbying since the regulation of Lobbying Act of 1946. If that legislation had any value when it was enacted, it has little now. The act's deficiencies are almost too numerous to mention. By covering only those individuals whose "principal" purpose is lobbying, its provisions fail to reach many people and organizations devoting much time, money, and effort to influencing Government actions. By referring only to lobbying aimed at Congress, it ignores the extensive lobbying campaigns aimed at the executive branch. By failing to provide adequate enforcement, the law amost encourages its own violation.

Even the title of the regulation of Lobbying Act is unfortunate, lobbying after all is not something to regulate—it is a basic constitutional right, guaranteed by the first amendment; the right to "petition the government for a redress of grievances."

The regulation of Lobbying Act is antiquated and ineffective, we should tear it up and throw it away—as many of Washington's biggest lobbyings did years ago. In its place, Congress must now enact a comprehensive measure designed to ensure complete disclosure of lobbying activities.

Certainly, S. 2477 is a step in the right direction. It provides for an effective definition of who lobbyists really are, so that organizations engaged in lobbying activity will no longer be able to evade the law, as they have under the 1946 act. It provides significant registration and reporting requirements for lobbyists, so that the Government and the people will be given a clear picture of who is attempting to influence Government decisions, how they are doing so, and why. And, it provides for effective administration and enforcement of lobbying statutes by the General Accounting Office and the Department of Justice, so that the law in this area finally will be given some meaning.

But, in my judgment, S. 2477 is not without its shortcomings. First, it fails to provide for effective disclosure of lobbying activities aimed at the executive branch, where so many important decisions are made every day. Second, the bill fails to provide adequate information about whom in Congress lobbyists' activities were designed to influence. In that respect, it resembles a hypothetical campaign disclosure law which called for revealing contributions without revealing the recipients, and, finally, it fails to provide adequate information on the financing of lobbying organizations.

I believe that the amendments which Senator KENNEDY, Senator STAFFORD, and I will offer will help to correct those deficiencies.

In any event, Mr. President, S. 2477 will represent a vast improvement and a truly significant reform in the area of lobbying disclosure, and I think it is very, very important that, after all, we have seen now over the last several years, we be prepared to stand in this body and correct what remains as the most outstanding reform area yet to be dealt with.

I thank the chairman of the committee for yielding me this time.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that William Goodman of Senator NUNN's staff have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. RIBICOFF. I yield the Senator from Massachusetts 3 minutes.

Mr. KENNEDY. Mr. President, I, too, join my colleague from Iowa, Senator CLARK, and the other Members of this body in commending the chairman of the Government Operations Committee, Senator RIBICOFF, for bringing this measure to the floor at this time.

I feel that in many respects this will be one of the most important and significant pieces of legislation to insure to the American people that laws being fashioned here in the Congress of the United States are going to be in their interest. If there are going to be special interests at work that are going to influence that legislation, the American people should be guaranteed to know fully what those interests are and how they are being exercised on legislation.

Mr. President, I also commend the involvement of my colleague and fellow New Englander, the Senator from Vermont, Senator STAFFORD. As one who has worked in this area and introduced legislation for 6 years, I am very much aware of the efforts of Senator STAFFORD in the whole lobbying issue. He has been deeply involved here in the Senate and also in the House of Representatives before that.

This bill reflects a strong bipartisan effort. I know Senator PERCY and Senator JAVITS have been interested in this issue on the Republican side as the leaders in this.

More than 25 years have now passed since Congress last acted to require information about lobbying pressures. In the intervening years, there has been a revolution in the role of Congress and in the way lobbyists operate, and it is time to meet the modern challenge of reform. Congress and the American people are entitled to know the ways our laws are made.

In recent years, Congress has taken a number of far-reaching steps to improve the institutions of Government and to make both Congress and the executive branch more open and responsive to the people. Among the most important milestones have been the Election Reform Acts of 1972 and 1974, the Budget Reform Act, and the Freedom of Information Act. This committee has been a pioneer of many of these reforms in the past, and its leadership is continuing today—we think particularly of the major consumer protection legislation now awaiting action on the Senate floor.

Although much has been accomplished in the past, much more remains to be done. Now, the time is ripe to achieve another major goal in improving the responsiveness of Congress and the executive branch, by enacting comprehensive reform of the Federal lobbying laws. I believe that such reform is the most effective single step that Congress can now take to improve the functions of the Federal Government.

The existing disclosure law, the Federal Lobbying Act of 1946, is an empty sieve. Written for another and quieter era of our national life, it is a generation out of date. It has now become a scandal and a national disgrace.

Day after day, lobbyists spend vast amounts of influence money in secret ways and for secret purposes. They stalk the halls of Congress and the executive branch with their bankrolls and identities undetected. The interests they represent are rich and powerful. Their operations can easily thwart the people's will and corrupt the public purpose.

Whatever impact the 1946 act may have had when it was originally enacted, it is virtually insignificant today, and Congress cannot allow the problem to fester any longer.

Over the past three Congresses I have introduced legislation to bring about substantial reform of our lobbying reform, the special interests have swarmed over Capitol Hill to obtain legislation favorable to their pocketbooks. And frequently, the public has been the loser.

An April 4 article in the Detroit Free Press discussed "a lobbying blitz by corporate executives and their business trade associations" which reflects a growing corporate involvement in American public affairs. Let me quote some specific examples from that article:

The American Petroleum Institute, shocked by the near-success of a Senate move last year to break up the oil companies, is spending more than $1 million in a lobbying-public relations drive to defeat the bill. Oil industry executives are spending more on top of that.

The American Bankers Association, fighting a bill to make savings and loan associations financial institutions resembling banks, entertains members of

the Banking Committees, contributes to their campaigns, and marshals hometown bankers to come to Washington and oppose the bill.

The business roundtable, composed of executives from the National's 157 largest corporations, led an offensive against the first major attempt in 25 years to revise the antitrust laws. As a result, President Ford dropped his support for the bill and it now faces a rockier time in Congress.

The real estate industry, faced with losing lucrative tax shelters in the tax-reform bill, mounted a campaign similar to the bankers' effort and largely has succeeded in gutting the bill to close these loopholes.

The natural gas industry, sniffing the best chance for price deregulation in decades, established a Washington-based natural gas supply committee, an annual budget of nearly $1 million, to try to achieve its goal. It has succeeded partially, and is still putting on pressure.

The Government Operations Committee, under the able leadership of Senator RIBICOFF and Senator PERCY, has developed a comprehensive and sophisticated bill which is worthy of its title as a "Lobbying Reform Act." Its enactment by the 94th Congress will go far toward restoring the confidence of the American people in the integrity of their Government.

I again commend those who have brought this measure to the floor, and indicate, as Senator CLARK has indicated, that there will be some amendments which, hopefully, will be accepted by the committee which will be offered to try to strengthen the legislation. But the Government Operations Committee has my commendation and support for bringing the measure to the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to offer an amendment, but I know the Senator from Montana has a comment to make on the legislation.

Whenever the Senator feels appropriate, I will be glad to call one up.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Mr. President, I am prepared to offer an amendment at the present time.

Mr. RIBICOFF. The Senator is certainly privileged to do so.

Mr. METCALF. Very well.

AMENDMENT NO. 1651

Mr. METCALF. Mr. President, I call up amendment No. 1651.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I shall explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 22, after "by" insert "expressly".

On page 38, line 23, after "Congress" insert the following: "a specific or general position".

On page 40, line 2, strike out "(a)" through "(b)" on page 40, line 6.

Mr. METCALF. Mr. President, under the unanimous-consent agreement entered into previously, the Senator from Montana was to have 30 minutes. There would be an hour on each one of the Senator's amendments.

I had four amendments more at that time and notified the leadership and notified the distinguished Senator from Connecticut that I would put in a fifth amendment. I will send that to the desk in a few minutes.

Mr. President, I ask unanimous consent that I be allowed to have 2½ hours on all of my amendments, to be distributed as necessary, as I need to argue those amendments, because my final amendment may take more than 30 minutes.

Mr. RIBICOFF. The manager of the bill has no objection, but I think in all due respect to the majority leader, before that request is granted, it should be cleared with the Senator from Montana (Mr. MANSFIELD).

So if the Senator will proceed and I suggest he hold up that request until Senator MANSFIELD comes to the Chamber.

Mr. METCALF. I am delighted to do so.

Mr. PERCY. Will the Senator yield for a question?

Mr. METCALF. Certainly.

Mr. PERCY. Is that 2½ hours on both sides, a total of 2½ hours to be equally divided?

Mr. METCALF. No, it is an hour on each amendment. So there would be 5 hours on the five amendments I have submitted. I have five amendments and I will need all of the 2½ hours.

I rather reluctantly agreed to the 2½ hours, but I was anxious to bring this bill, as the Senator from Illinois knows, to final conclusion. But some of my amendments are considerably more important than others.

I call attention, Mr. President, to this unanimous-consent agreement:

Ordered further, that on the question of the final passage of the bill, debate shall be limited to 1 hour, to be equally divided and controlled respectively by the Senator from Connecticut (Mr. RIBICOFF), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY).

I call attention to the sponsors: Mr. RIBICOFF, Mr. KENNEDY, Mr. PERCY, Mr. JAVITS, and others.

Now, if that is not a sweetheart agreement, I have never seen one. We are going to go back and forth across the aisle tossing compliments back and forth all the time respecting the bill.

I did not ask for any time.

All I am asking for is that in the tradition of the Senate I be allowed some time to make an opening statement, and that will come out of the time of one of my amendments. Then, that I be able to switch the time around as it is needed in the course of the debate.

I renew my unanimous-consent request.

Mr. PERCY addressed the Chair.

Mr. RIBICOFF. Mr. President, I have just talked to the distinguished Senator from Illinois.

I did not originally make this unanimous-consent request on this bill. It was propounded by the majority leader.

I am certain that the Senator from Illinois will yield his portion of the allocated time to the Senator from Montana who is in opposition. Consequently, I have to object to granting additional time because I think that granting additional time does not comply with the intention of the majority leader when he worked it out with the minority leader as to allocation of time.

Mr. METCALF. The Senator from Montana is not asking for additional time. Under the unanimous-consent agreement that was entered into—and the Senator from Montana was not on the floor, either——

Mr. RIBICOFF. The Senator from Connecticut was not on the floor, either.

Mr. METCALF. The Senator from Montana had informed them that he had five amendments. I told the staff that I had five. They said, "Well, we will give you an hour on each amendment." That is a half-hour for the Senator from Montana and a half-hour for the Senator from Connecticut.

All I am asking is that I be able to use whatever part of that 2½ hours I need on my final and principal amendment, without relinquishing time each half-hour period.

Mr. RIBICOFF. As far as the Senator from Connecticut is concerned, the Senator from Montana may have the remainder of the time I have for the opening statement to use for his opening statement.

But, again, I think in all due respect to the majority leader, the decision on additional time should be made by the majority leader and not by me. He was the one that made the unanimous-consent request.

I hope the Senator from Montana will take the balance of the time that the manager of the bill may have for his opening statement. We will try to get the majority leader to come to the Chamber and then make the request when he arrives.

Mr. METCALF. Very well.

A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. How much time have the Senator from Connecticut and the Senator from Illinois, remaining?

The PRESIDING OFFICER. There are 29 minutes on the bill remaining, that is, for both of the Senators.

Mr. METCALF. Very well.

How much time will the Senator yield me?

Mr. RIBICOFF. As much of the 29 minutes as the Senator would like.

Mr. METCALF. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Montana.

Mr. METCALF. Mr. President, I ask that my amendment No. 1651 be temporarily withdrawn, that I be allowed to make my preliminary opening statement, and then I will yield to the Senator from Massachusetts to lead off with the first amendment.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator does not have to withdraw the amendment to speak on the bill.

Mr. METCALF. Very well.

But I think the Senator from Massachusetts, who graciously let me lead off as a result of my desire to make an opening statement on my first amendment, should have an opportunity to offer the first amendment.

So I ask unanimous consent that I may withdraw it.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. METCALF. Mr. President, as originally introduced, this was an act to provide for more effective public disclosure of certain lobbying activities to influence issues before Congress and the executive branch. This has finally become the Lobbying Disclosure Act of 1976.

The simplification of title illustrates the refinement and improvement that has taken place in this legislation since its first introduction.

S. 2477 is a new bill, different in many respects from the original legislation introduced by the Senator from Connecticut, the Senator from Iowa, the Senator from Massachusetts, the Senator from New Hampshire, and others. The simplification of this title illustrates the refinement and improvement that has taken place in this legislation since its first introduction. Indeed, this is the most significant improvement that we have made in it.

There is virtually unanimous agreement that the Federal Lobbying Act of 1946 should be repealed and replaced. It has been variously designated as an "antiquity," an "anomaly" as "superannuated." And it has been as described as having more loopholes than the Internal Revenue Code.

These things are all correct. It is time that the Lobbying Act of 1946 is overhauled—or better yet, repealed and replaced by new legislation that will provide for disclosure of lobbying activities and at the same time protect essential rights of the citizens to appeal to their elected representatives, to discuss the impact of legislation with them and to do these things without burdensome reporting requirements or inhibition of the free exercise of basic constitutional rights.

The first amendment to the Constitution says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacably to assemble, and to petition the Government for a redress of grievances.

We have just experienced a great celebration of a historic event, centuries ago when a petition was presented to the King to redress grievances. The result was the Magna Carta. Another such example of petition for redress of grievances was the Declaration of Independence. But the first amendment refers not only to petition from large groups on matters of national consideration, it refers to the petition of a single individual whose business might be affected by a piece of legislation, who believes his liberties might be curtailed. That person or a group of such persons have the same standing under the Bill of Rights as the most awesome group of governors, corporation presidents, labor leaders, and public interest representatives all banded together to petition Congress. It is the responsibility of Congress to protect those rights. The statement of Mr. Justice Jackson in his dissenting opinion in *U.S.* v. *Harriss*, 347 U.S. 635 is pertinent:

> The First Amendment forbids Congress to abridge the right of the people "to petition the Government for a redress of grievances." If this right is to have an interpretation consistent with that given to other First Amendment rights, it confers a large immunity upon activities of persons, organizations, groups and classes to obtain what they think is due them from the government . . . but we may not forget that our constitutional system is to allow the greatest freedom of access to Congress, so that the people may press for their selfish interests, with Congress acting as arbiter of their demands and conflicts. 347 U.S. 635.

Lobbying is a necessary and important ingredient in the legislative process. The information supplied by the lobbyist is essential in considering legislation. Larger corporate lobbyists, groups such as the Sierra Club or Friends of Earth, public interest groups such as those headed by Ralph Nader, have supplied information to Members of Congress and described the impact of legislation in ways that improve the legislation or dramatically change it. This Senator has requested the National Chamber of Commerce and the AFL–CIO for facts and—while the Senator from Montana does not always agree with the conclusions these or other such organizations draw from these facts—the accuracy of the facts supplied has seldom been questioned.

I agree with the Senator from Illinois. We would have to multiply our staffs fourfold or fivefold if it were not for the information that the lobbyists give us, supply us, and the reliable information that is given to all of us upon which we can act.

But the smaller groups, the local farmers' organizations, the small business groups, also must be accorded a hearing. This is in the public interest and is in accord with the highest traditions of our Nation. To discourage this type of citizen participation is to do a great disservice to the Congress and restrain our fellow Americans—in the exercise of—of basic constitutional rights.

I am in accord with the principle of lobby disclosure. I applaud Senator RIBICOFF, Senator PERCY, Senator KENNEDY, Senator BROCK, Senator STAFFORD, and others in their efforts to get this legislation enacted. I have supported them a great deal of the time. But with all due humility, I find myself in the same quandry that confronted the great George Mason of Virginia.

George Mason of Virginia was described by historians as an aristocratic Democrat, a signer of the Declaration of Independence and the author of Virginia's Great Bill of Rights, who might be termed godfather of the first amendment.

In those hot days in Philadelphia, when delegates were deserting in droves, Mason said he "would bury his bones in this city rather than expose his country to the consequences of a dissolution of the convention without anything being done."

It was Mason who led the struggle to have the House of Representatives elected by the people.

I started to count how many times George Mason was heard in the Constitutional Convention. When I got to over 100 I quit counting. He was on the floor on many of these important matters.

Yet George Mason, along with his Virginia colleague Elbridge Gerry, refused to sign the Constitution because he did not believe it sufficiently protected the rights of the people and it was not until the Bill of Rights and particularly the first amendment was added that he campaigned in Virginia for its ratification.

Mr. STONE assumed the Chair at this point.

Mr. PASTORE. Will the Senator yield for a moment?

Mr. METCALF. I will be delighted to yield.

Mr. PASTORE. A matter has come to my attention which causes me great concern with reference to the bill. May I give the Senator a hypothetical question to make my point?

If the bishop of my diocese should send a pastoral letter to all pastors urging them to announce from the pulpit to write to their Senator, me, for instance, to appropriate more money for housing for the elderly, what is the responsibility of my bishop?

Mr. METCALF. As I interpret the matter, that bishop, if he were a lobbyist, would have to report it.

Mr. PASTORE. Is he a lobbyist in the sense of this bill? That is what I am trying to determine.

Mr. METCALF. This is one of the complexities, may I say to the Senator from Rhode Island. No individual is a lobbyist under this bill.

I call the Senator's attention to page 8. Individuals can never be lobbyists, only organizations. But the national Catholic Church might be a lobbyist.

Mr. PASTORE. He represents the diocese of Rhode Island.

Mr. METCALF. That is right.

Mr. PASTORE. Is that not going a little too far?

Mr. RIBICOFF. May I respond to the distinguished Senator?

Mr. PASTORE. I would like to get the answer.

Mr. RIBICOFF. May I respond? In other words, no letter that is written makes a person a lobbyist. It is an oral contact. That is No. 1. No. 2, the bill specifically provides that any communication from an organization to their own Senators or Congressman is not covered by any provision in this act. In other words, any organization in the State of Rhode Island could write to their Congressmen or Senators soliciting any position and it is not covered by lobbying.

We were very, very careful to write that provision into this law to show that people from the Senator's State and or-

ganizations from his State have a right to communicate with their own Senators and their own Congressmen.

Mr. PASTORE. So there would be no responsibility in my hypothetical question?

Mr. RIBICOFF. No responsibility at all in the hypothetical question put by the distinguished Senator from Rhode Island.

Mr. METCALF. May I qualify that?

Mr. PASTORE. I do not care who will qualify what. I would like to know the answer.

Mr. METCALF. The answer to the hypothetical question the Senator from Rhode Island has propounded is "no" but when the Senator from Connecticut talks about the home State provisions, he is talking about either the home district of a Congressman or the home State of a Senator. He is talking about the principal place where this organization has its home, such as the State in which an organization is incorporated.

Now, I do not know what would happen, and I do not believe the Senator from Connecticut knows what would happen, if a bishop of the Catholic church sent out an appeal to all the parish priests all over the United States and asked them to write such a letter. It would seem to me that his organization might have to register and qualify as lobbyists.

Mr. RIBICOFF. Mr President, may I reply to the distinguished Senator?

We were careful to insert, at my request, and the committee backed up that position, language to assure communication by citizens with their own Senators and Representatives. As a matter of fact, the distinguished Senator from Montana has an amendment, and the distinguished Senator from Maine (Mr. HATHAWAY) has an amendment, to take away that exemption, which we will oppose very strongly.

I have received many communications from bishops and priests, as I have from rabbis and ministers, from my own State, and I want to assure them that they, or any insurance company, any manufacturing company, or any chamber of commerce or labor organization headquartered in the State of Connecticut can talk to me as their Senator and tell me their point of view. Any organization in the State of Rhode Island can talk to Senator PELL or talk to him or Senator PASTORE as many times as they wish, to make their position clear, without becoming thereby a lobbyist. That exemption is nailed down tight in this bill.

Mr. PASTORE. As long as it is confined to the State itself?

Mr. RIBICOFF. That is right.

Mr. PASTORE. Or, as to the leave to write to the Senator, in the States involved, or districts, if you like, within the State?

Mr. RIBICOFF. You are exempt; you have an absolute exemption.

Mr. METCALF. Mr. President, I would like to correct the Senator from Connecticut. The Senator from Maine has an amendment to eliminate the home State exemption. As the Senator from Connecticut well knows, the Senator from Montana does support, in part, an exemption for small, locally based groups. He is trying to close an obvious loophole in the home State exemption that I will take up when I offer an appropriate amendment.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. PERCY. The Senator from Illinois strongly supports that home State exemption. I think it would be a travesty for a constituent of your own to be required to register as a lobbyist.

But if they start going to other States and congressional districts, expanding their operations and information beyond their home State or district, then clearly they are in the business of lobbying.

Mr. RIBICOFF. May I say this amendment 1657 would strike that exemption, and of course I will oppose amendment 1657 of the Senator from Montana, because we are insistent that under no circumstances will we close out the right of communication for any person or any organization whatsoever from the State or district represented by the Senators or Representative.

Mr. PASTORE. Let me ask another hypothetical question. The International Paper Co. owns Davol Rubber Co., which is in my State. But the International Paper Co. is interested very much in how many trees to cut down and where they are cut down.

They own a subsidiary in my State, the Davol Rubber Co. In that case, if International Paper, knowing they have a branch in the State of Rhode Island, the Davol Rubber Co., come to see Senator PASTORE in his office, are they allowed?

Mr. RIBICOFF. I would say that if Davol talked to the distinguished Senator from Rhode Island, Davol would be exempt. If the International Paper Co., located in Chicago or Portland, Oreg., talked to the Senator enough times, they would be a lobbyist.

Under those circumstances, if International Paper had 12 oral communications with 12 Senators, or they spent $250 in a quarter to hire a legislative agent to do it for them, or if they spent $7,500 in a quarter for lobbying solicitation material, then they would be lobbyists.

We want to make sure that if General Motors or General Electric, who have subsidiaries all over the United States, should start a major campaign and they could start a campaign—at least they would have to register as lobbyists and say what they were doing.

But the Davol Co. in Rhode Island, if they talked to the distinguished Senator from Rhode Island, Davol would not have to register.

Mr. PASTORE. No, but the representatives of the International Paper, if they came to my office only because they had the Davol Rubber Co. in my State, would be a lobbyist?

Mr. RIBICOFF. Yes, assuming of course, International Paper's principal place of business is not Rhode Island. If the Senator were the only one they spoke to in a quarter, they could speak to him 11 times, and would not have to register. But if they spoke 12 times to Senators, or staff members in a quarter, they would have to register as a lobbyist.

Mr. METCALF. Mr. President, does the Senator from Connecticut continue to yield to me?

Mr. RIBICOFF. I have yielded the floor. The Senator can have the remainder of my time on the bill.

Mr. METCALF. Mr. President, we are going to take this very complex and complicated matter up subsequently on amendments offered by both the Senator from Maine and the Senator from Montana. It is a part of a separate amendment I have offered, and will be incorporated in a compendium of amendments supported by broad coalition groups which have been interested and concerned.

The PRESIDING OFFICER. All the time of the majority on the bill has expired. The Senator from Illinois still has 15 minutes remaining for the minority.

Mr. METCALF. Mr. President, may I have 5 additional minutes? If I could use time on my amendments, and use them back and forth, I could use the time that way.

Mr. KENNEDY. Mr. President, if the Senator wishes, I will put my amendment in and he can take 5 minutes of my time.

Mr. RIBICOFF. The majority leader is in the Chamber, so the Senator from Montana can make his unanimous-consent request.

Mr. METCALF. Mr. President, the request I made was that in accordance with the unanimous-consent agreement, the Senator from Montana was to have 30 minutes on each of the amendments that he was going to propound. Four amendments were in, and, as I informed the leadership, I am going to introduce another, which I shall submit shortly. That is 2½ hours.

I ask unanimous consent that I may use some of my time from one amendment and shift it to another, so that I can have a complete 2½ hours of time.

Mr. RIBICOFF. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Very well. I again renew amendment No. 1651. It has been stated. I ask unanimous consent that it not be stated again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. I yield myself 5 minutes on this amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. METCALF. Mr. President, as I have already said I submitted four amendments. I put them in the RECORD a couple of days apart. I have given an explanation of them.

This bill, which has been worked out after days and days of hearings and many hours of consideration—Mr. President, I participated in most of them—is a very complicated piece of legislation, as has already been demonstrated by the questions propounded by the Senator from Rhode Island.

As a result of the discussions that I have opened up and as a result of those

four amendments, a group of people have joined in a consensus on a comprehensive single amendment.

This amendment would probably take care of all of the amendments that I have suggested and several others.

AMENDMENT NO. 1830

Mr. President, I send this amendment to the desk and ask that it be printed and, if we go over until tomorrow, to lie on the table. I am informed that if we go over until tomorrow that it will have No. 1830.

The PRESIDING OFFICER. The amendment will be received.

Mr. METCALF. If we do not go over until tomorrow, it will have an unprinted number.

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. I yield to the Senator from Massachusetts. I shall renew amendment No. 1651 at some subsequent time. I shall also explain my other amendments before the evening is over.

Mr. KENNEDY. I thank the Senator from Montana and I appreciate his willingness to yield for the opportunity for the Senate to act on two measures about which I have talked to the chairman of the Committee on Government Operations, and I believe the minority members have been informed as to the substance of the amendments as well.

Mr. President. I intend to call up amendment No. 1822 and ask that it be stated.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the pending amendment be temporarily set aside?

Mr. KENNEDY. I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1822

Mr. KENNEDY. Mr. President, I call up amendment No. 1822 and ask for it to be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) for himself, Mr. CLARK, and Mr. STAFFORD, proposes an amendment No. 1822.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, strike out lines 7 and 8 and insert the following:

"TITLE I—LOBBYING DISCLOSURE ACT OF 1976

"SHORT TITLE

"SECTION 1. This title may be cited as the 'Lobbying Disclosure Act of 1976'.".

Strike out "Act" each place it appears and insert "title".

At the end of the bill insert the following:

"TITLE II—OPEN COMMUNICATIONS ACT OF 1976

"SEC. 201. This title may be cited as the 'Open Communications Act of 1976'.

"SEC. 202. Subchapter II of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 560. Maintenance of records of communications

"(a)(1) For the purpose of this section, the term—

"(A) 'agency' means agency as defined in section 552(e) of this title;

"(B) 'agency official' means, pursuant to regulations prescribed under paragraph (2) of this subsection, any appointed officer or employee of the executive branch who exercises authority of the kind and scope normally exercised by individuals who are compensated in excess of the rate prescribed for Grade GS 14 under the General Schedule under section 5332 of this title, or comparable officers of the uniformed services as defined in section 101(3) of title 37, United States Code, or any officer serving in an equivalent position with comparable responsibilities in any Federal service.

"(C) 'person' includes an individual, partnership, corporation, association, firm, society, joint stock company, Member of Congress, officer or employee of the executive branch, or any party to a proceeding.

"(2) Each agency shall within one hundred and twenty days after the date of enactment of this section publish in the Federal Register a complete list of all positions within that agency to which clause (1)(B) of this subsection applies, and shall publish a revised list of such positions in the Federal Register not less frequently than annually. Any individual serving in a position named in such list shall thereafter be presumed to be subject to the provisions of this section so long as he continues in that position.

"(b)(1) Each agency official shall prepare a record of each oral or written communication received by such official, except written communications routinely available for public inspection, initiated by persons outside the agency (A) pertaining to an agency proceeding as defined in section 551(12) of this title, (B) seeking to influence agency action as defined in section 551(13) of this title, (C) that is the subject of litigation involving the agency, or (D) seeking to influence any agency position on legislation. Each such record shall contain—

"(i) the name and position of the official who received the communication;

"(ii) the date upon which the communication was received;

"(iii) an identification, so far as possible, of the person from whom the communication was received and of the person on whose behalf such person was acing in making the communication; and

"(iv) a brief summary of the subject matter or matters of the communication, including relevant docket numbers if known, which summary shall not contain information required to be withheld from the public by any statute establishing particular criteria or referring to particular types of information, or trade secrets or commercial or financial information which is privileged or confidential.

Whenever any written communication is provided in conjunction with an oral communication, a brief description of the document shall be noted in such record.

"(2) This section shall not apply to—

"(A) any communication of an officer or employee of an agency to another agency if the receiving agency—

"(i) is part of the first agency or subject to review by the first agency, or

"(ii) includes the first agency or reviews the decisions of the first agency;

"(B) requests for information by members of the press; or

"(C) any communication relating to a military or foreign affairs function of the United States.

"(c)(1) Each agency shall assure that records of communications required to be prepared under subsection (b) of this section shall be prepared and, unless excluded under clause (2) of this subsection, furnished for inclusion in a public file within ten working days after receipt of the communication. Such records for which no public file exists at the time the communication is received shall be placed in public files appropriately indexed. All public files shall be maintained for public inspection and copying. Any document referred to in such records shall be available in accordance with the provisions of section 552 of this title.

"(2) Records of communications prepared under subsection (b) of this section shall not be subject to the automatic disclosure requirements of paragraph (1) of this subsection if the communication is made by—

"(A) any person who provides information under an assurance of confidentiality, or under circumstances from which such an assurance can reasonably be implied, to the agency official for use in a civil or criminal enforcement investigation or in an administrative or judicial enforcement proceeding;

"(B) any person who is the subject of a civil or criminal enforcement investigation, or is a party in litigation with the agency, or the counsel for such person;

"(C) an employee of another agency where the record of the communication would not be available to the public under section 552(b)(5) of this title.

Each agency shall assure that records of communications subject to the provisions of this clause shall be furnished for inclusion in a case or other appropriate file within the agency.

"(d) Each agency official who is compensated under the Executive Schedule under this title shall provide for the maintenance for public inspection of a retrospective calendar of meetings and communications relating to his official actions or responsibilities or to other matters within the jurisdiction of the agency. Such calendar shall contain a notation for each meeting or communication which shall include—

"(1) the name and affiliation of participants or person from whom the communication was received;

"(2) the date of meeting or communication;

"(3) location of meeting;

"(4) a brief summary of the subjects discussed.

Each such calendar shall be prepared the first working day of each week. Such calendar shall not include any meeting involving communications which are not required to be recorded under subsection (b) of this section or the records of which are not required to be publicly disclosed under subsection (c) of this section.

"(e) Each agency may by regulation issued pursuant to section 553 of this title (notwithstanding the third sentence of subsection (b) of that section)—

"(1) apply the requirements of this subsection to agency employees other than an agency official described in subsection (a)(1) of this section whenever such employees participate in the formulation of policy or in the making of decisions affecting the public;

"(2) provide clarification and guidance with respect to the meaning of agency proceeding and agency action as used in subsection (b) of this section;

"(3) designate an agency employee to monitor compliance with this section by agency officials; and

"(4) apply the requirements of subsection (d) to agency employees other than an agency official prescribed in subsection (d) whenever such employees participate in the formulation of policy or in the making of decisions affecting the public.

"(f)(1) Any agency official who knowingly falsifies or fails to prepare or file any record required by this section shall be subject to disciplinary action prescribed by the President.

"(2) Any agency official who knowingly and willfully falsifies, forges, or fails to pre-

pare or file any record required by this section with intent to deceive the public regarding the existence or content of communications shall be fined not more than $1,000 or imprisoned not more than one year or both.

"(3) The District Court of the United States for the District of Columbia shall have jurisdiction to enforce the requirements of this section by declaratory judgment, injunctive relief, or such other relief as may be appropriate. Civil actions may be brought under this section by any person against an agency or an agency official. No civil action may be commenced under this section prior to thirty days after notice has been given to the agency of the alleged violation of this section.".

(b) The analysis of chapter 5 of title 5, United States Code, is amended by adding after item 55 the following new item:

"560. Maintenance of records of communications.".

SEC. 203. The Administrative Conference of the United States shall conduct a study of the procedures established under section 560 of title 5, United States Code (as added by section 202), and two years after the effective date of this title shall furnish each agency and the Congress the findings of the study, together with such recommendations as the Conference deems appropriate.

SEC. 204. The amendments made by section 202 of this title shall take effect ninety days after the date of its enactment.

Mr. KENNEDY. Mr. President, the thrust of the lobbying legislation which we are now considering is primarily targeted towards the lobbying of Congress.

This amendment, which is introduced by myself, Senator CLARK, and Senator STAFFORD, is to provide for the logging within the executive branch of communications by various interested parties who are attempting to influence administrative decisionmaking. This is incorporated in legislation, S. 1289. The Administrative Practice and Procedure Subcommittee, which I chair, had 2 days of hearings on that bill and reported it to the Committee on the Judiciary where it is at the present time.

Mr. President, the sense and thrust of this legislation, is currently reflected in regulations of at least three governmental agencies at the present time: the Consumer Product Safety Commission, the Food and Drug Administration, and the Federal Energy Administration.

The open communications act of 1976, being offered today as title II of S. 2477, would provide the public with information regarding lobbying activities in the executive branch. The bill would amend the administrative procedure act, 5 U.S.C. 550 et seq., by adding a section which would require high-level agency officials to keep public calendars and to record routinely and disclose most communications they receive from outside persons regarding official agency business.

The sponsors of this amendment believe that it represents a reasonable approach to the problem of special interest lobbying in the executive branch. Its modest recording requirements attempt to strike a balance between the public's interest in knowing what kind of influence Government officials are subjected to, and the Government's interest in carrying out its business efficiently and effectively. While it cannot by itself insure honestly or morality in Government, its procedures will open agency activities to public scrutiny, help discourage improper improper conduct, and clear the air for the vast majority of honest agency officials and persons who deal with them.

The subject matter of our amendment—executive branch logging—is intimately related to the subject of the underlying bill. It was considered by the Committee on Government Operations during its hearings on the various lobbying reform bills. The amendment covers the disclosure of executive branch lobbying contacts: Communications from persons outside a Federal agency to any high-level official within the agency.

A provision covering lobbying of agency officials was included in S. 774, introduced by Senator PERCY and considered by the Government Operations Committee. Chairman RIBICOFF, who is a cosponsor of S. 1289, has indicated that he would defer to the Administrative Practice and Procedure Subcommittee, which has conducted hearings specifically on logging, to develop legislation on this particular matter.

The "open communications" policy included in this amendment is intended to serve as a simple and efficient means of discouraging the exercise of secret, improper influence in the executive branch. Agency officials need only keep a brief summary record of communications they receive from outside persons regarding official business. The summary record provided for public inspection will serve as a key to pinpoint more specific requests for Government information and as a tool to allow monitoring of lobbying influences in the executive branch. The need for such a policy governed by uniform procedures emerges clearly from our hearings and is consistent with congressional efforts to provide open Government, eliminates ex parte influence, and regulate special-interest lobbying.

The positive experience of Federal agencies utilizing recording and disclosure procedures similar to those required by this amendment demonstrates that such procedures are practical, effective, and not costly. The Consumer Product Safety Commission has for the past few years adhered to regulations requiring the publication of calendars and maintenance of logs that go beyond those required by this amendment. The Food and Drug Administration has likewise adopted logging regulations, as has the Federal Energy Administration. Testimony from Federal officials and others indicate that these procedures do not inhibit legitimate communications and, in fact, are useful in educating the public concerning the agency's decisionmaking activities.

I was interested to note, Mr. President, that the Internal Revenue Service announced just last month that it is developing and would implement "a procedure whereby certain information regarding contacts made by Federal departments and agencies and Members of Congress regarding matters pending before the Service will be made public."

In its press release, the IRS stated:

It believed sound tax administration will be aided by making a public record of outside contacts regarding specific cases.

So the IRS agrees now that the publication of lobbying contacts—albeit involving a narrow class of persons—will serve the cause of sound tax administration.

The Securities and Exchange Commission, which is involved in important enforcement and rulemaking activities and which is involved in most sensitive commercial and financial matters, called S. 1289, from which this amendment is drawn as "the most balanced approach" to achieving "public disclosure of the activities of persons seeking to influence significant executive policymaking decisions." Let me quote from a letter from SEC Chairman Hills to Judiciary Committee Chairman EASTLAND on March 12, 1976:

Assuming that Congress determines generally that the existing protections should be supplemented by additional agency reporting requirements, however the Commission considers the selective approach of S. 1289 to be preferable to the approaches of other, similar bills. It seems appropriate that some attempt be made, as does this bill, to limit the burden imposed without compromising the basic attempt to monitor private effort to influence significant governmental policy determinations. Moreover, in distinguishing between records of contacts that should publicly be disclosed and those that should be maintained only within an agency, S. 1289 minimizes the potential for disruption of efficient agency operations and important communication channels.

Support for the legislation which is embodied in this amendment has also been voiced by lawyers and lobbyists who spend much of their time dealing with Federal agencies. The Pharmaceutical Association, for example, whose members are closely regulated and overseen by various Federal agencies, indicated support for the objectives and approach reflected in this amendment. The hearing record of the Administrative Practice Subcommittee contains substantial testimony from both the business and consumer sectors favoring the Open Communications Act.

The amendment would serve to standardize and regularize the various approaches of the Federal agencies to this problem: It will provide a uniform statutory standard that will also allow agencies to make adjustments in accordance with their own specific needs. The amendments procedures are designed to avoid adding to the workload of Government officials, and any minimal burdens will be more than offset by its salutory effect. In total, title II will be a sensible method of opening agency activities to public view and checking the abuses caused by ex parte influence and lobbying abuses. According to former Product Safety Commission Chairman Richard Simpson:

I believe that what industry really wants from a Government agency is predictability, honesty, consistency, competency, and integrity. I do not believe industry wants a regulatory agency which is susceptible to either political or public interest pressures. If one honestly weighs the advantages and

disadvantages of an open agency, I believe one will conclude, as we did, that openness is the only effective way to operate in today's world.

So, Mr. President, I hope that this amendment is accepted. I do think that we have very extensive testimony with which we would be glad to supplement and augment these comments, but it does seem to me to be desirable and useful and certainly carries forward the various thrusts of this legislation.

Mr. METCALF. Mr. President, before the Senator from Connecticut accepts the amendment, will the Senator from Massachusetts yield me a couple of minutes?

Mr. KENNEDY. I yield.

Mr. METCALF. Mr. President, I am opposed to these logging requirements. I feel that it is an added unnecessary burden upon not only the people who are trying to lobby out also upon the people who are the recipients of the communications.

This is executive lobbying. This is down in executive department. I recognize that, as a result of our experience with Watergate, we have to have greater disclosure than we have had. If the Senator from Connecticut accepts the amendment, I want merely to make it clear that I am opposed to it. I am not going to ask for a rollcall. I am not going to resist very much, although I will resist logging as far as the Members of Congress are concerned. I merely wished to say I want to be consistent in my resistance to these logging requirements.

I thank the Senator from Massachusetts.

Mr. RIBICOFF. Mr. President, I shall respond. I am sympathetic to what the distinguished Senator from Massachusetts, and the Senators from Iowa and Vermont are trying to achieve. It is only fair to state that the committee held no hearings concerning lobbying in the executive branch. We recognize that the issues are complicated. This proposal may be treated differently in the other body. This I do not know. So, while I am willing to accept the amendment, I think I should call to the attention of the distinguished Senator from Massachusetts prospective resistence and difficulty in the executive branch and in the other body which we would have to take into account in conference. I think, in all fairness, I should tell that to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the comments of the Senator from Connecticut. I hope that the members of the conference will support this provision if it is adopted. The Senator from Illinois included in his legislation much broader requirements for agencies in terms of logging. The Committee on Interior and Insular Affairs, on which the Senator from Montana served, indicated during the course of the consideration of Mr. HATHAWAY'S nomination that they recommended that the nominee adopt the logging device for that department because of the suggestions of impropriety within that agency. The IRS in the past few weeks, because of the allegations of outside influence, has issued a press release saying it will use logging to clear the air

The Consumer Product Safety Agency has gone ahead with this and has been very successful. It has not been an undue burden. The Chairman of that commission came up and urged us to move ahead on it. The Food and Drug Administration is doing it at the present time because of allegations and charges of various kinds of influence.

So I submit that this is an important provision. I understand full well what the Senator from Connecticut is stating. They have not had the hearings on it. That is why we would like to make our hearings available to the committee. I think there is very substantial information from a variety of different groups in support of our amendment.

I appreciate the willingness of the Senator from Connecticut to accept the amendment.

Mr. McINTYRE. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. McINTYRE. It is my understanding that Representatives and Senators would have to keep a log on conversations.

Mr. KENNEDY. The Senator is not correct This does not apply to any Members of Congress; only administrative agencies.

Mr. McINTYRE. If I ask a member of my staff to make an inquiry of FEA concerning something, they have to make a record of it at FEA? Is the Federal Energy Administration going to make a record of that, that they were contacted by Mr Jones of Senator McINTYRE'S staff.

Mr. KENNEDY. Not at all, if it was purely a question, inquiring about the status of a particular case or an issue that is before an administrative agency.

Mr. McINTYRE. That is some solace Mr. President.

I must say that I am negligent in not knowing when these things come down the pike as fast as they do. If the Senator from Montana (Mr. METCALF) has some amendments, one thing about this that is very disturbing is that regulations are being imposed, meaning more things that somebody down at the low end of the pole has to fill out.

Mr President, Congress should be aware of the fact that all this reporting and regulating is absolutely driving the common citizen of this country right out of his mind.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the amendment

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I can understand why the Senator from Massachusetts is offering this amendment It is one of the areas that I think we will be looking into as we undertake this joint study by the Committee on Government Operations and the Committee on Commerce with respect to regulatory reform, to see what can and should be done to improve our procedures.

I am concerned that as we set up a commission on paperwork, to cut down the amount of paperwork, we are not establishing procedures—without hearings at least in the Government Operations Committee—on what their impact would be.

I am concerned that the executive branch of Government, as I understand it, would oppose this being a part of this bill. My understanding also is that the House of Representatives would oppose it. I believe we would have a tremendously difficult task carrying it in conference.

I would like to try something like this in my own office before imposing this kind of burden on the executive branch of Government, to see whether it would make sense, and whether or not, at the end of a couple of weeks of doing this, we had anything that was valuable.

The Senator from Illinois would be very reluctant, indeed, to indicate at this time that he supported this concept, even though he would be in sympathy with what would be the overall purpose and objective trying to be served. The tendency of the Senator from Illinois would be to accept it on the floor and take it to conference for discussion and, in the meantime, to analyze thoroughly the hearings by a subcommittee of the Committee on the Judiciary, in order to secure more facts.

But, in view of the fact that a rollcall vote has been requested on this amendment, the Senator from Illinois intends to vote against the provision.

Mr. KENNEDY. Mr. President, I regret that the Senator intends to do that. He had logging provisions in his own legislation.

With all due respect to the efforts of the Committee on Government Operations, this is an amendment to the Administrative Procedure Act, which is handled by the Committee on the Judiciary. It is supported by the Pharmaceutical Manufacturers Association, whose representative testified before us. They said they were tired of the allegations and the charges about their interference in the Food and Drug Administration. I think it was a very commedable position of one of the organizations of which I have been critical at various times precisely because of the improper kind of influence that industry sometimes wields on regulatory agencies. They said they wanted this to protect their own integrity, and the Food and Drug Administration now is implementing its own logging regulations. The Consumer Products Safety Agency is going ahead with it; the Internal Revenue Service is going ahead with it.

It seems to me that to protect these various agencies, the amendment should be accepted.

I am prepared to yield back the remainder of my time.

Mr. RIBICOFF. I yield back the remainder of my time, unless someone else wishes to speak in opposition.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. In view of the fact that this amendment does amend the Administrative Procedure Act, I inquire of the Chair if the amendment is in fact

germane, as required by the unanimous-consent agreement.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold for a moment, please?

Mr. KENNEDY. I just wanted to make a point of interest to the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts while the Chair considers the parliamentary inquiry.

Mr. KENNEDY. I wish to point this out, if I may have the attention of the Parliamentarian as well: As a point of information, I would mention that the title of the bill is "to provide more public disclosure of lobbying activities to influence issues before Congress and the executive branch, and for other purposes."

Mr. RIBICOFF. I believe it does relate to lobbying, even though it might involve the Administrative Procedure Act. Under those circumstances, I do believe the amendment is germane.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is germane.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Washington (Mr. JACKSON) would each vote "aye."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The result was announced—yeas 35, nays 50, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—35

Abourezk	Culver	McGovern
Bentsen	Eagleton	Mondale
Biden	Glenn	Morgan
Brooke	Hart, Gary	Pell
Burdick	Haskell	Proxmire
Byrd, Harry F., Jr.	Hathaway	Randolph
Byrd, Robert C.	Huddleston	Ribicoff
Case	Humphrey	Schweiker
Chiles	Kennedy	Stafford
Clark	Leahy	Stone
Cranston	Mansfield	Tunney
	Mathias	Weicker

NAYS—50

Allen	Buckley	Curtis
Bartlett	Bumpers	Dole
Bellmon	Cannon	Domenici
Brock	Church	Durkin
Fannin	Long	Percy
Fong	McClellan	Roth
Ford	McClure	Scott, Hugh
Garn	McGee	Scott, William L.
Gravel	McIntyre	Sparkman
Hansen	Metcalf	Stennis
Hatfield	Montoya	Stevens
Helms	Moss	Stevenson
Hollings	Muskie	Talmadge
Hruska	Nelson	Thurmond
Javits	Nunn	Tower
Johnston	Packwood	Young
Laxalt	Pastore	

NOT VOTING—15

Baker	Griffin	Magnuson
Bayh	Hart, Philip A.	Pearson
Beall	Hartke	Symington
Eastland	Inouye	Taft
Goldwater	Jackson	Williams

So Mr. KENNEDY's amendment was rejected.

UNPRINTED AMENDMENT NO. 24

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the Metcalf amendment be further temporarily laid aside?

Mr. KENNEDY. With the understanding of the Senator from Montana that he wants to press his amendment tomorrow, so with his understanding——

Mr. METCALF. Mr. President, it is my understanding that my amendment will be set aside and deferred to the amendment of the Senator from Massachusetts. That was the unanimous-consent agreement, and I renew my unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the amendment of the Senator from Massachusetts.

The second assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), on behalf of himself, Mr. CLARK and Mr. STAFFORD proposes an unprinted amendment No. 24.

The amendment is as follows:

On page 36, line 22, before "should" insert "or the Executive Branch".

On page 36, line 23, after "Congress" insert ", or the Executive Branch,".

On page 32, line 2, after "Congress" insert ", the Executive Branch,".

On page 37, line 25, after "Congress" insert "or the Executive Branch".

On page 38, line 2, after "Congress" both times it appears, insert "or the Executive Branch".

On page 38, line 10, strike out "and".

On page 38, line 18, strike out the period and insert in lieu thereof a semicolon and "and".

On page 38, between lines 18 and 19, insert the following new paragraph:

"(3) a communication with the executive branch urging or requesting any officer or employee of the executive branch to act or not to act, or to act in a certain manner, concerning—

(A) any contract to which the Federal Government is or may become a party, or

(B) any grant, award, or other benefit which is or may be awarded, given, or otherwise bestowed upon any person by the Federal Government,

where such contract, grant, award, or other benefit involves an obligation incurred by the Federal Government of $250,000 or more."

On page 38, line 21, after "Congress" insert "or the Executive Branch".

On page 38, line 23, after "Congress" insert "or the Executive Branch".

On page 39, line 11, after "Congress" insert "or the Executive Branch".

On page 39, line 12, before "record" insert "public".

On page 42, line 2, after "Congress" insert "or the Executive Branch".

On page 51, line 3, after "Congress" insert "or the Executive Branch".

On page 52, line 5, after "Congress" insert "or the Executive Branch".

On page 53, line 12, after "Congress" insert "or the Executive Branch".

Mr. KENNEDY addressed the Chair.

Mr. PASTORE. Mr. President, may we have order, please.

The PRESIDING OFFICER. Will Senators kindly take their seats. The Senate will be in order. The Senator will withhold momentarily.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the thrust of the legislation is to focus on lobbying activities within the legislation branch, that is the bill that we have before us. In the previous amendment we tried to extend a logging provision to apply to executive branch activities, and that was defeated.

This amendment is targeted on a very limited area of executive activities, and that is any lobbying activity to secure a favorable contract or grant outside of the exemptions that are included in the current legislation which, obviously, include municipalities, mayors, and civic or governmental figure, but for any private intervention to secure contracts in excess of $250,000. They would have to comply with the lobbying provisions of this particular legislation.

It seems to me that in those particular areas, with that size as a minimum, $250,000, that it would be useful and valuable to apply the other registration and recording provisions which are included in the legislation.

The chairman of the committee is familiar with the thrust of this legislation. I have had a chance to talk with him about it, and I hope he will be willing to accept this particular amendment.

Mr. RIBICOFF. Mr. President, as manager of the bill I am willing to accept the amendment of the Senator from Massachusetts.

Mr. PASTORE. Now, may I ask the question? May we have order, please.

I do not think I get the full meaning of this. If a proposal is submitted by a contractor in Rhode Island, who is looking for a Federal contract, and he writes to me, and it is over $250,000, what is his obligation?

Mr. RIBICOFF. Speaking for the Senator from Massachusetts, if a contractor from Rhode Island wrote to the Senator, neither he nor the contractor has to list this. But if the contractor or an agent of the contractor goes to a Federal agency and seeks that contract, and makes 12 or more oral lobbying communications concerning that contract, the contractor would have to register as a lobbyist.

Mr. PASTORE. Does the Senator mean that if someone from the State of Rhode Island wrote to me and I called up a department and made an appointment for that person to go down there and talk over a contract—what is the obligation?

Mr. RIBICOFF. No obligation for the

Senator and no obligation for the lobbyist if that is all the contractor did.

Mr. KENNEDY. If there was a contractor in Rhode Island who was interested in a contract, a defense contract that was worth $250,000, he can still go to the Defense Department 11 times and not have to register. It would only apply as a triggering aspect of the legislation.

Twelve oral contracts, not written, but 12 oral communications, or the payment to an individual more than the minimum, which is the $250 per quarter.

So all it does is make the lobbying by the executive branch for large contracts fall within the purview of this legislation.

It would never apply if it was written, or for only 11 oral communications but, really, in connection with the major contractors, to find out what their activities are.

Mr. PASTORE. What would the obligation be then?

Mr. KENNEDY. Just to comply with the other provisions of the legislation which are included in the bill. Just the same kind of things which would apply to any other lobbyist.

Mr. PASTORE. In other words, if he did it 11 times, he was immune, but the 12th time he is not.

Mr. KENNEDY. Just the way it is drafted.

Mr. STEVENS. Will the Senator from Massachusetts answer a question?

Mr. KENNEDY. Surely.

Mr. STEVENS. Does this cover grants, does this mean if one of our Alaskan groups wanted a grant, $3 or $400,000 in educational grant funds, the various grant funds available through a myriad of programs, that they first have to come in and register?

Why should grants be treated the same as contracts?

Mr. KENNEDY. The answer is that a number of agency grants and contracts are almost interchangeable.

Primarily, we are interested in the contract matters. Of course, it does not apply to any State or local governments, or where there are other exemptions included in the legislation. It only affects the large contractor or the contractor's lobbyist.

Mr. RIBICOFF. Just to clarify this, any governmental agency would be exempt. A State or county or municipality is not subject to any registration requirements under the lobbying bill.

Mr. STEVENS. I understand that.

Mr. RIBICOFF. If it were a private corporation or a charitable foundation, then it would be subject to the lobbying provisions.

Mr. STEVENS. What about the millions of dollars we are putting out every year in cancer research, and other funds, to every doctor's corporation that wants to participate in these research funds available for medical purposes, do they have to comply with this?

Mr. KENNEDY. Only if it meets the other provisions of this legislation.

They would be exempt if they do not fall within it, but if they would if the subject involved legislation before Congress, then they would fall in it if they were seeking a contract above $250,000 from the agencies.

Mr. STEVENS. I say to the Senator from Massachusetts and the manager of the bill. I could support the contracts and awards provision. I think the money amount is quite low, and a million dollars would be much more realistic.

But I cannot support putting all this paperwork burden on people who come in to seek to participate in these grant funds.

It will increase the cost of getting the job done and decrease the effectiveness of the Federal dollar that goes out in grants.

I do not think we ought to increase the paperwork at the very time we are trying to do our best to cut it down. If we want to put that burden on the private sector, on the people who make a profit of doing business with the Government, that is one thing. But in seeking grants that are very limited at this time, I think this is going too far. I think if the sponsor does not agree to delete the grants, I would ask for the yeas and nays.

Mr. KENNEDY. I would be glad to follow that.

We are trying to get started in this area, in drawing the figure of $250,000. I have no reluctance to raise that to $1 million. I think that is not an unreasonable request. I think what we are trying to do is get started in this area.

I move to raise the figure up to $1 million and eliminate the grants, just include the contracts.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

UNPRINTED AMENDMENT NO 25
(MODIFICATION OF UNPRINTED AMENDMENT NO. 24)

On page 36, line 22, before "should" insert "or the Executive Branch".

On page 36, line 23, after "Congress" insert ", the Executive Branch,".

On page 37, line 2 after "Congress" insert ", the Executive Branch,".

On page 37, line 25, after Congress" insert "or the Executive Branch".

On page 38, line 2, after "Congress" both times it appears, insert "or the Executive Branch".

On page 38, line 10, strike out "and".

On page 38, line 18, strike out the period and insert in lieu thereof a semicolon and "and".

On page 38, between lines 18 and 19, insert the following new paragraph:

"(3) a communication with the executive branch urging or requesting any officer or employee of the executive branch to act or not to act, or to act in a certain manner, concerning;

"(A) any contract to which the Federal Government is or may become a party, or

(B) any award or other benefit which is or may be awarded, given, or otherwise bestowed upon any person by the Federal Government, where such contract, award, or other benefit involves an obligation incurred by the Federal Government of $1,000,000 or more.

On page 38, line 21, after "Congress" insert "or the Executive Branch".

On page 38, line 23, after "Congress" insert "or the Executive Branch".

On page 39, line 11, after "Congress" insert "or the Executive Branch".

On page 39, line 12, before "record" insert "public".

On page 42, line 2, after "Congress" insert "or the Executive Branch".

On page 51, line 3, after "Congress" insert "or the Executive Branch".

On page 52, line 5, after "Congress" insert "or the Executive Branch".

On page 53, line 12, after "Congress" insert "or the Executive Branch".

Mr. BURDICK. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. BURDICK. Would the Indian tribes be an exempt category?

Mr. KENNEDY. This amendment does not deal with the Indians.

Mr. BURDICK. The Senator said municipal corporations. Would they have the same footing as a city or county?

Mr. KENNEDY. As I understand it, they would not be exempt. I have an intention to offer an amendment that would make them exempt.

Mr. RIBICOFF. In fairness, they would not be exempt.

Mr. KENNEDY. I want to indicate that I will offer an amendment later on and I hope the Senator from North Dakota will join me.

Mr. BUMPERS. Will the Senator yield for a couple of questions?

Mr. KENNEDY. Yes.

Mr. BUMPERS. First of all, I assume that the homestate exemption would not apply in this case.

In other words, any person from any State in the country, to come here to lobby, would not be covered?

Mr. KENNEDY. Correct.

Mr. BUMPERS. Second, for example, if the Chamber of Commerce organization from the State of Arkansas came here to lobby the Department of Defense to give a contract for some industry in their community because it was the primary source of payroll in that community, which is not too uncommon in many communities in my State where there is large industry and which the community is almost totally dependent upon, but rather than the industry itself coming, the chamber of commerce, who has a very vital interest in it, came and lobbied the Defense Department on behalf of the contractor, would that be subject?

Mr. KENNEDY. That would not be subject to our requirement if they are not being paid to do the lobbying. But the particular group, if they are doing it as volunteer chamber activities, which would be the normal approach, is not covered.

Mr. BUMPERS. It would only be if the contractor himself came that it would apply?

Mr. KENNEDY. The Senator is correct, or hired a lobbyist.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. I think we ought to be conscious of the fact that this is the first amendment that would deal with the executive department, that the bill otherwise deals with the legislative department, and this bill would deal with the executive department.

Now, the executive department has opposed it and there has not been very elaborate testimony on what it would mean. Personally, I am not doctrinaire about it. I am perfectly willing to take the amendment to conference. But I do think the Senate should be advised that.

in all fairness, we would have to know from the administration what its reasons are and how it feels about it and why, and that this could or might not have an effect on the conferees.

I certainly would not, as a prospective conferee, wish to be locked in concrete on this matter, though I am perfectly willing to take it to conference.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. I will not repeat all I said about the last amendment, which I voted against, but I would be prepared to accept it with the qualification that in taking it to conference it would give us time to get reactions back from the executive branch on this specific amendment. It does establish for the first time a requirement in this bill for executive branch contracts to be reported.

But I think to take it to conference with the feeling we could then have the time to get reactions back and get more information, if we can, it would be perfectly acceptable to the Senator from Illinois.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified, of the Senator from Massachusetts.

The amendment as modified, was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Montana, amendment No. 1651.

Mr. METCALF. Mr. President, I would be delighted to yield and ask unanimous consent that I might yield to the Senator from Vermont.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to yield for the purpose of calling up an amendment?

Mr. METCALF. Mr. President, I yield myself 2 minutes on amendment No. 1652.

I offered my amendment in order to have time to finish a prepared statement. I had exhausted all the time the Senator from Connecticut had yielded to me. I would like to withdraw my amendment at this time and permit the Senator from Iowa, the Senator from Vermont, and the Senator from Massachusetts if he has further amendments, to proceed before I proceed with a series of five amendments for which I have special time. I ask unanimous consent that I may withdraw consideration of amendment No. 1651 at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Vermont.

UNPRINTED AMENDMENT NO. 26

Mr. STAFFORD. Mr. President, I have an unprinted amendment at the desk for which I ask immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont (Mr. STAFFORD) for himself, Mr. Kennedy, and Mr. Clark proposes unprinted amendment No. 26.

The amendment is as follows:

On page 47, line 3, after "lobbyist," insert "the name and position of each individual receiving a lobbying communication from the officer, director, employee, or other person,".

On page 47, line 20, after "organization," insert "the name of each Member of the Senate or the House of Representatives receiving such communications by telephone or in his office,".

On page 48, at the end of line 10, insert "the name of each Member of the Senate or the House of Representatives receiving such communications by telephone or in his office,".

Mr. STAFFORD. Mr. President, I yield 30 seconds to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that George Shanks of my staff be granted the privilege of the floor during the consideration of S. 2477.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, first I want to say how grateful I am to the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distinguished Senator from Illinois (Mr. PERCY) for all of the work they have done and the long hearings they have held in bringing the basic bill before the Senate at this time.

It has long been the hope of this Senator that such legislation would come to this Chamber and be enacted here.

Mr. President, the Lobbying Reform Act, S. 2477, as reported by the Committee on Government Operations requires no disclosure of any kind of the identity of Senators or Representatives who are lobbied, either personally, or through their staffs. Such an omission may be compared to requiring disclosure of campaign contributions without requiring the disclosure of the identities of the recipients of the contributions.

It is important that, as we seek to achieve reform in this area of lobbying, that we establish a clearly-marked path from those who do the lobbying to those who are lobbied. The committee bill starts us down that path—indeed, it goes a long way down that path. But, it does not get us to the final destination: the identification of the Senator or Representative who is the target of the lobbying effort.

The amendment offered by Senator KENNEDY, Senator CLARK and myself would require disclosure of Senators and Representatives in certain cases, as well as of staff members in certain cases. The amendment has the two aspects:

First. In cases where the lobbying organization retains an outside legislative agent to make the communications, the amendment would require the reports that are filed to identify the recipients of both written and oral communications. Such records are likely to be kept in any event by the legislative agent for purposes of billing the client, and no substantial additional burden is involved in requiring this disclosure.

Second. In cases where employees of the lobbying organization make the contact, disclosure would be required only for oral communications directly with a Senator or a Representative, and then only for communications by telephone or in the office of the Senator or Representative. In this way, the record keeping burden would be minimized, and social or insignificant lobbying contacts would not be subjected to the reporting requirements. In keeping with the other provisions of the committee bill, the burden for reporting would rest with the individual doing the lobbying. There would be no burden on the Senator or Representative.

This amendment is drawn narrowly to keep reporting requirements to a minimum while requiring disclosure of the identity of the Senator or Representative in the most obvious lobbying situations. Failure to identify Senators and Representatives in these situations would be a serious flaw in this reform effort.

Failure to include these minimal disclosure requirements in this bill will, Mr. President, in effect, be to provide Senators and Representatives with an exemption from this reform legislation.

Mr. HUMPHREY. Will the Senator yield?

Mr. STAFFORD. I would be glad to yield.

Mr. HUMPHREY. Do I understand the amendment places the burden for the reporting of the contract, the personal visit or telephone call, upon the organization or the individual lobbyist?

Mr. STAFFORD. The Senator is exactly right.

Mr. HUMPHREY. May I ask if a lobbyist comes to the office and does not get to see the Senator—he may see somebody who is in charge of a piece of legislation, the administrative assistant or some assistant who is working on a bill—is that reported as having seen the Senator?

Mr. STAFFORD. Will the Senator give me just a moment?

Mr. HUMPHREY. I said let us assume that a lobbyist comes to the office and does not see the Senator and does not even see the administrative assistant, but sees someone down the line who is working on legislation. For example, the person in my office who has been working with me on this legislation is a rather new employee. In fact, he is not even an employee. He is a congressional fellow. That particular person will not be with my office for more than a couple of more weeks. I doubt if that particular individual would have a commanding influence over this Senator or the office.

Does the lobbyist's report state that they spoke to the Senator?

Mr. STAFFORD. It is the understanding of this Senator that the amendment would not require the lobbyist to report his contacts with the Member's staff or the House Member's staff.

Mr. HUMPHREY. Is that a weakness? I am trying to get at it. The Senator said something a moment ago where a lobbyist reports to his client or to his principal that, "I have seen" so and so. I know we have had people stop by the office who want to have 2 or 3 minutes with the Senator, and Im am sure that what they want to do is to say to the people they are working for, "Today I had a 1 hour talk with Senator" so and so. Maybe they came with a suggestion of discussing the drought in the Midwest.

"How are things, Hubert?" The next next thing you know the party is billed, company X or organization X, saying, "I spent 1 hour today with Senator" so and so "in his office discussing this report and legislation."

What do we have to verify that this has all taken place except the word of the lobbyist who is trying to bill his benefactor?

Mr. RIBICOFF. If the Senator will yield, that is one of the reasons I am opposed to this amendment, because it is subject to such misinterpretation. All of us know that people do come into our office and they talk to us. Many times we say no to their requests. But then they could list they have visited us and it is open to an interpretation that they have influenced our action.

Take a time such as this with the tax bill coming up on the floor tomorrow. All of us are inundated with every type of lobbyist for a special cause.

Mr. HUMPHREY. That is exactly right.

Mr. RIBICOFF. In my office, you cannot move out of the office without being approached. My response to 99 out of 100 of their requests habe been no. Yet they could list that 99 men came in to see Senator RIBICOFF, Senator LONG, or Senator HUMPHREY and someone could get the idea that we are subject in our votes to the will of the lobbyists.

I think the amendment is very unrealistic and misinterprets the entire posture of a U.S. Senator.

Under the circumstances I am opposed to the Stafford amendment.

Mr. HUMPHREY. Let me say that I voted for the first Kennedy amendment and I voted for the second Kennedy amendment, because I thought they were worthwhile, and I am not opposed to having logs involved and all of that sort of business. All I am trying to find out is, whom does the lobbyist lobby?

I happen to have a high regard for my staff, but I try to make up my own mind, and if some lobbyist is coming in there to lobby someone who is there as an intern, for example, I do not consider that would have any great impact upon my view of the legislation. Obviously, Senators do not have time to see everyone who wants to see them.

I just wonder what it is all about. What is going on? Is it a good thing to have the lobbyist there to say, "I have it in my log that I just saw Senator HUMPHREY," when what he perhaps saw was someone who just stopped in from St. Olaf's College, who is working for me for 2 months free of charge, trying to learn something about the legislative functions? Do not misunderstand me; that person may be very, very helpful. I have had some who are exceedingly helpful.

Mr. RIBICOFF. The Senator or Representative, to protect himself, would also have to have a log to refute the lobbyist's contention, and Heaven knows, we have enough burdens to keep our records and our mail straight, attend our committee meetings, and to come to the Senate floor, without keeping a log on everyone who comes to see us.

Even though that is not intended by the Stafford amendment, if a lobbyist is keeping a log and reporting, for self-protection, Senators are going to have to keep a log themselves, with somebody in their office backing us up.

Mr. HUMPHREY. That is what I wanted to mention. If a lobbyist is going to come in and say he saw someone in my office, I want someone in my office to have a log showing that he was not there, and I would expect to request a staff member for that purpose.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. TALMADGE. Does not the Constitution of this country specifically state that citizens of the country have a right to petition their Government for redress of grievances?

Mr. RIBICOFF. It certainly does. In this basic lobbying bill individuals are exempted; the bill applies only to organizations who expend money to lobby. We have also exempted any communication from an organization to their own Senators and Representative.

It is when an organization pays a legislative agent, or has paid officers, directors, or employees lobbying for them, that there is disclosure. These organizations have a right to do so, but they must register as a lobbyist.

I do not think there is any constitutional infirmity in requiring disclosure. I think we have been very careful to protect, under the first amendment, the right of any person to petition the Members of Congress, and especially to protect him in petitioning his own Senators and Representatives.

Mr. TALMADGE. The Senator feels confident that the committee bill, then, does not fly in the teeth of the constitutional provision that all citizens have the right to petition their government for redress of grievances?

Mr. RIBICOFF. The 1946 Lobbying Act was interpreted by the Supreme Court of the United States and upheld as constitutional. The Supreme Court has held that Congress can take action regulating the activities of lobbyists.

But in the basic bill, we have been very careful to protect first amendment guarantees in the bill as a whole.

Mr. TALMADGE. I thank the Senator.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. NELSON. Do I correctly understand that if a lobbyist requests an appointment to see any Member of Congress on any subject matter, that lobbyist must make out a report of some kind as to whom he saw, when, where, what about, and then must send it someplace?

Mr. RIBICOFF. That is true under the Stafford proposal.

Mr. NELSON. That is what I am talking about.

Mr. RIBICOFF. Which I am opposing. The Stafford proposal would require, as I understand it—the Senator from Vermont can speak for himself—that if a lobbyist went in to see a Member of Congress, he would have to log the visit with Senator NELSON or Senator RIBICOFF, and report it to the Comptroller General every quarter when he makes up his lobbying reports.

Mr. NELSON. Is that correct, I ask the Senator from Vermont?

Mr. STAFFORD. The Senator from Vermont would say that under our amendment, no new burden is placed on anyone, but if a lobbyist otherwise qualifies under the basic bill before the Senate, and visits or calls on the phone a Senator or a Member of the House of Representatives, then, under the amendment this Senator has offered, he would be required to log the name of the Senator or the Representative that he had contacted. I repeat, if he otherwise qualified under the bill as a lobbyist, or lobbyist's agent.

Mr. NELSON. Let me ask a further question. I have not finished reading the committee report. There are certain standards defined in the committee as to whether an individual or a corporation or something else qualifies to be a lobbyist; is that right?

Mr. RIBICOFF. Individuals are exempt. It is organizations.

Mr. NELSON. All right. Now, is it correct that if any organization, on behalf of some proposal, contacts 12 people——

Mr. RIBICOFF. In a quarter.

Mr. NELSON. In a quarter, that they then must register, and they are lobbyists; is that correct?

Mr. RIBICOFF. Or they pay someone $250 or more in a quarter to do it for them, or they expend $7,500 in solicitations in a quarter. Then, under those circumstances, they would be required to file a report every quarter with the comptroller general.

Mr. NELSON. I would just like to have the Senator's view on this: This amendment might be very helpful to all of us, because I think I could immediately and justifiably institute a rule in which I will see no lobbyists—not a single one. So all these people who come in, in connection with the Finance Committee issues, with questions or proposals who say, "I want to see you, because the proposal coming over from the House of Representatives is going to drive us out of business, and we are a poor little business that no one thought of; we have 25 employees," I am going to say, "Wait a minute, I am sorry; after you have gone out of business and are not representing anyone, come in and explain what your problem was."

Beeause I am not going to see them.

We have a big fight going on about Locks and Dam 26. I happen to be against them. Now, there are all kinds of individuals, environmentalists, and others against that lock and dam.

I have all kinds of communications from them, and I have been fair enough to listen to a couple of lobbyists on the other side, though I do not agree with them, and I am going to vote against them. But where are those other 100 people who came in to see me regarding my position on Lock and Dam 26 going to be listed?

I think this amendment would create an absolute monster, but it is all right with me, because I would serve notice to my staff that we will hear from no lobbyist under any circumstance, no matter how worthy the cause, because we are not going to be involved with them in any way.

I think it is pretty stupid, but it will rid me of talking to people who think a U.S. Senator ought to listen to the various individuals, economic interest groups

and concerned groups all over this country.

Furthermore, I wish I had had time to check it with the paperwork commission. I think we can abolish the paperwork commission, because we are gaining on them so fast they cannot catch up anyway. About two more bills like this, and we will sink the Federal Government.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, before I comment on the pending amendment, I would like to pay special tribute to the long time the Senator from Vermont has spent in discussing lobbying and trying to develop an orderly procedure with adequate support for the control of lobbying functions to have adequate reporting of the lobbying function.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. I yield time to the distinguished Senator from Illinois.

Mr. PERCY. I think the contribution has been valuable as has the contribution of the distinguished Senator from Massachusetts who has worked together with Senator Stafford.

Mr. KENNEDY. Mr. President, will the Senator from Vermont withhold maybe 3 or 4 minutes so I can speak? I do not know what time there is available.

Mr. STAFFORD. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. How much time remains to the Senator from Vermont?

The PRESIDING OFFICER. Nine minutes.

Mr. PERCY. Mr. President, will the Senator yield me 2 minutes?

Mr. STAFFORD. I reserve 4 minutes to the distinguished Senator from Massachusetts.

Mr. PERCY. Before commenting on the amendment, I wish to say without any question we are all deeply indebted to the contribution that has been made by the Senator from Vermont. However, in looking at this amendment I think, first of all, it is really impossible at this stage to estimate the amount of hundreds of thousands, maybe millions of man hours this would require.

It requires a record keeping that is entirely different than most organizations now keep.

The intent and purpose of the Committee on Government Operations in reporting out this bill was to try to design a reporting procedure that would be closely parallel to records that are kept anyway, keeping in mind the desire of the Federal Government to cut down the amount of paperwork. We have tried to design it so that it would not add a great deal of burden. It is difficult to estimate how much added burden would be caused by this amendment.

Second, the Senator from Illinois would oppose this amendment because it is really not known what would be accomplished. We have not had adequate testimony or hearings. It is not known what would be accomplished by the amendment and what the disadvantages would be. I think even in our short colloquy the pitfalls seem to be very great indeed.

So the Senator from Illinois, despite his great admiration for the work of the Senator from Vermont in these pioneering efforts, as well as the pioneering efforts of our distinguished colleague from Massachusetts in the area of lobbying reporting, would oppose this amendment.

Mr. STEVENS and Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I shall reply very briefly to the distinguished Senator from Illinois and just point out that this amendment does not require any paperwork on the part of any Members of the House of Representatives or Senate. What logs might be kept would be kept by those lobbyists who otherwise are qualified as lobbyists or legislative agents under the definition in the bill.

Mr. President, at this point I will yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support the amendment of the Senator from Vermont. The points that have been raised during the debate are really not new issues or new questions.

The fact is that under the existing legislation we are providing for disclosure of lobbyists, issues, and expenses. What we are not providing is who has been lobbied.

As to the argument over what are we going to do when a major company or corporation or interest says that they have spoken to Senator X—we already reached that issue in the Campaign Finance Act. We require the disclosure of who contributes, and to whom. So any time that we have a campaign disclosure, we are going to have the same kind of questions to answer. Company X, Y, or Z gives you *x* dollars and you may vote for them or vote against them. Nonetheless, they are going to go list an individual or a Member of Congress on that particular contribution.

I simply wonder what is all the reluctance about it. After all, we are public servants. We are being paid by the public. We are not just out there representing only a private interest or a private group. We are supposed to be public officials. Why should not the public have some kind of idea or awareness as to whom is speaking to us?

The point is made it does not happen to the little guy. We cannot have it both ways. We eliminate the little guy in this so they are not going to be wrapped up in paperwork. So we are not going to put undue burden or a chilling effect on the small person in terms of lobbying.

When we find out they are not going to have to register or be listed, we say we cannot list the big boys in here because we will never know whether the little people have actually spoken to us. You cannot have it both ways, and both the bill and this amendment strike reasonable balances.

Mr. President, I think this amendment is a tough, hard one, and every Senator understands it. But it does seem to me we are involved in the public's business. The public has a right to know; the public is paying us; and I think we have reached that particular issue in question when we voted in terms of the Campaign Financing Act, when we said who contributes, the amount that they contribute, and to whom they contribute. I think we ought to do the same thing with regard to interests that meet this particular criteria under the lobbying bill which is extremely restricted as stated by the managers of the bill.

Mr. STEVENS. Mr. President, will the manager of the bill respond to a question?

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I do not have any time. I would like to ask him a question. I have a copy of Mr. Stafford's statement.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Page 47, line 3. Will the Senator respond to a question? He has time, I believe.

Mr. RIBICOFF. I think it preferable if the Senator asks the author of the amendment.

Mr. STAFFORD. How much time remains to the Senator from Vermont?

The PRESIDING OFFICER. Each side has 4 minutes remaining.

Mr. STEVENS. I shall take 1 minute.

Mr. STAFFORD. I am glad to yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. The first portion of this amendment states the "name and position of each individual receiving a lobbying communication from the officer, director, employee, or other person * * *" that would appear at page 47, line 3. I take it that means a written communication.

I do not want to get too much levity in here. The first letter on top of my file when I came back after a trip home this weekend was a letter from the "Hooker's Lobby." They wanted to invite me to some meeting. I take it that is a communication to me, and it means if this passes my name is going to be listed as having a communication from the "Hooker's Lobby." Is that right?

Mr. STAFFORD. If the distinguished Senator would yield, I will say that it depended on whether or not the lobbyist qualifying under this bill would so lobby.

Mr. STEVENS. It is ludicrous, you know.

Mr. KENNEDY. The answer is no. The answer is no, negative.

Mr. STEVENS. Why?

Mr. KENNEDY. Because it is only oral communication.

Mr. STEVENS. It does not say "oral communication." It says "receiving a lobbying communication."

Mr. KENNEDY. It falls within the other purview of the legislation which provides for it.

Mr. PERCY. If the Senator will yield, the amendment says "a lobbying communication"; it does not say "oral".

Mr. STEVENS. It does not say "oral."

Mr. STAFFORD. Mr. President, I ask for the yeas and nays.

Mr. HUMPHREY. Mr. President, I have a question.

Mr. STAFFORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I seek some explanation as to definition.

The amendment says the name of each Member of the Senate or the House of Representatives receiving such communications by telephone or in his office. Does this apply only to the Senator or does it apply to the Senator's office? For example, as to most of the people whom we hear from, one of our top people in the office hears from them. The lobbying is done in most offices to people that work in a particular area. For example, in my office we do a lot of work in the Committee on Agriculture and Forestry. Nine out of 10 people who come into my office to talk about agricultural policy talk to my agricultural specialist in the office. They do not get to me. He in turn says, "Today I met with the President of the Farmers Union," or, "Today I met with the Midwest Farmers Organization." Fine. I am delighted they came in to see me. But they did not get to see me.

They came in to see the man who works for me. For all practical purposes if they convince him, he is the man on whom I have to rely a great deal on legislative matters and other matters relating to agriculture. That man in my office then conveys the message to me.

My point is—and I am not trying to be contentious, I am trying to get specific—does the log that is kept mean that that lobbyist has to speak to the Senator himself? Or does it mean that he speaks to someone representing the Senator?

Mr. STAFFORD. If the Senator will yield, it is the understanding and intention on offering the amendment that the lobbyist would have to communicate directly with the Senator if a log of the incidents were to be kept and the lobbyist would have to be a qualified lobbyist under the other provisions of the bill.

Mr. HUMPHREY. Yes, I understand the qualifications. Would the Senator accept an amendment saying that, if the lobbyist must keep a log as to communication with the Senator himself, the Senator also keep a log that he received a communication from a lobbyist? I am not being facetious. I am trying to be very sincere about it. I think the purpose of the Senator is commendable, and I think it is right that we as public officials have an accountability.

The PRESIDING OFFICER. If the Senator would suspend momentarily, each side has 2 minutes remaining. Who yields time?

Mr. RIBICOFF. I yield 2 minutes to the distinguished Senator.

Mr. HUMPHREY. I ask this question: Will the Senator accept an amendment that says that the logs be kept by both parties, since it is restricted only to the Senator and not to his aides?

Mr. STAFFORD. This Senator would accept such an amendment. This Senator did not write into the amendment the necessity for a log by Senators or House Members for the purpose of making it as restrictive as possible and causing as little paperwork as possible.

Mr. HUMPHREY. I understand that, and I think the Senator's purpose is commendable. What I am worrying about is that somebody says they saw us and they did not see us. I just want to be sure that we see the party.

Mr. LONG. Mr. President, if the Senator will yield, would it be appropriate to say that we have to have the Senator sign a receipt that he did see the man, so that at some future date if some lobbyist gets himself in trouble and they spread it across the record that he came to Senator HUMPHREY and Senator LONG and Senator RIBICOFF and Senator CHURCH and Senator BENTSEN, he has our name written down there, so that it can be checked by forgery experts that he did talk to us?

It bothers me to have Common Cause go through my campaign contributions. Here is their letter, and they say that any time I vote contrary to their views, they point out somebody whose economic interest was on the side I voted with, and they say this fellow contributed to Senator Long's campaign. There is a payoff right there. If you vote the other way, they find somebody on the other side, and they say you voted that way.

I am going to avoid anybody buying me a meal. I do not accept an honorariums now.

Just to protect oneself, this amendment should require that the Senator sign a receipt, so that one would know that he saw the Senator, that he is not just bragging and trying to get people to pay something.

Mr. HUMPHREY. That is right.

Mr. LONG. Obviously, he wants to go back and tell people, "Don't you worry. I am just as close to HUMPHREY as two peas in a pod. He would not do anything without talking to me. And LONG knows me. Old RUSSELL is a bosom buddy I have known for many years."

So when they are going back to represent how much influence they have on us and if they get in trouble, I would like to have it established that that is exactly how it is and have us sign a receipt that we talked to the man.

Mr. HUMPHREY. Offer the amendment.

Mr. LONG. If I can get it prepared, I will—to have him sign a receipt.

Mr. KENNEDY. Mr. President, will the Senator from Vermont yield me 1 minute?

The PRESIDING OFFICER. The time of the Senator from Connecticut on the amendment has expired.

The Senator from Vermont has 2 minutes.

Mr. STAFFORD. I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in the bill it is clear that if there are going to be statements which are false, fictitious, or fraudulent, by various lobbyists, there are penalties written into the measure already which would apply—if a group would misrepresent or distort or provide fraudulent statements.

Although I would support the amendment of the Senator from Minnesota, I think it would sink the amendment. I do not think it has much of a chance, in any event. [Laughter.] I am sure that would do it.

The final point I make is this: Just read through Fortune's "Company Man in Washington." They list how to go to work on Members of Congress. At the bottom, they say, "Keep good records." All the major lobbyists already keep complete records down here.

If we are prepared to require that they file those statements about campaign contributions, and Members of Congress already have bitten the bullet—they already say that they have a campaign contribution from X, Y, and Z interests—why are we reluctant to permit them to say that X, Y, and Z are also talking to the Members of Congress?

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. HUGH SCOTT. I announced that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The result was announced—yeas 23, nays 61, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—23

Abourezk	Clark	Mansfield
Beall	Culver	Mathias
Bentsen	Eagleton	McGovern
Buckley	Hathaway	Mondale
Byrd, Harry F., Jr.	Helms	Proxmire
Byrd, Robert C.	Humphrey	Schweiker
Case	Kennedy	Stafford
	Leahy	Stone

NAYS—61

Allen	Fannin	Long
Baker	Fong	McClure
Bartlett	Ford	McGee
Bellmon	Garn	McIntyre
Brock	Glenn	Metcalf
Brooke	Gravel	Montoya
Bumpers	Hansen	Morgan
Burdick	Hart, Gary	Moss
Cannon	Hatfield	Muskie
Chiles	Hollings	Nelson
Church	Hruska	Nunn
Cranston	Huddleston	Packwood
Curtis	Inouye	Pastore
Dole	Javits	Pell
Domenici	Johnston	Percy
Durkin	Laxalt	Randolph

Ribicoff	Sparkman	Tower
Roth	Stevens	Tunney
Scott, Hugh	Stevenson	Weicker
Scott, William L.	Talmadge	Young
	Thurmond	

NOT VOTING—16

Bayh	Hartke	Stennis
Biden	Haskell	Symington
Eastland	Jackson	Taft
Goldwater	Magnuson	Williams
Griffin	McClellan	
Hart, Philip A.	Pearson	

So Mr. STAFFORD's amendment was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BROCK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLARK and Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

UP AMENDMENT NO. 27

Mr. CLARK. Mr. President, I send an unprinted amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Iowa (Mr. CLARK), for himself, Mr. KENNEDY and Mr. STAFFORD proposes an unprinted amendment No. 27.

Mr. CLARK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 11 insert between "riod" and "where" the following: "including the amount of income provided by the organization".

On page 42, lines 13 and 14, strike out "constituted 1 per centum or more of the total income received by the lobbyist" and insert in lieu thereof "was $2,500 or more in amount or value".

On page 42, line 16 insert between "period" and "where" the following: "including the amount of income provided by the individual".

On page 42, line 19, strike out "$1,000" and insert in lieu thereof "$2,000".

On page 42, lines 20 and 21, strike out "and constituted 5 per centum or more of the total income received by the lobbyist".

Mr. CLARK. Mr. President, this is a very simple amendment, and I think I can explain it in less than a minute.

It would establish a flat $2,500 threshold for disclosure of contributions to lobbying organizations; that is all it does. In other words, if an individual or a group contributes $2,500 or more to a lobbying group it is simply disclosed, meaning it is simply sent to the Comptroller General.

There is a disclosure requirement in the bill now based on percentages which differ for individuals and groups. This is an attempt to simplify that. It is not an onerous requirement, obviously; $2,500 is a great deal of money to spend for the purpose of influencing Government decisionmaking, and I would simply point out that the disclosure threshold in the campaign finance law is only $100. Surely the public has a right to know when individuals and organizations are contributing such large sums to affect how our laws are being executed.

Our amendment would institute a reasonable disclosure threshold in a nondiscriminatory way for all lobbying organizations.

I reserve the remainder of my time.

Mr. RIBICOFF. Mr. President, as manager of the bill I accept the amendment of the Senator from Iowa.

Mr. PERCY. I think this amendment not only simplifies the bill and is an improvement but, I think, strengthens the bill. Certainly anything in that direction I would approve, and the Senator from Illinois would support the amendment.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. CLARK. Yes, I yield.

Mr. BROCK. Is this in addition to the language of the bill or in place of the other requirements?

Mr. CLARK. No, it is a substitution for the percentage requirement and the dollar amount. The bill itself calls for disclosure if an individual contributes 5 percent of the total income of an organization in a quarter, provided it exceeds $1,000. It also provides that if a group contributes more than 1 percent of the total for an organization or—again, more than $1,000—that they have to report. This would substitute for all that language and simply say that any individual or group which contributes $2,500 will disclose.

Mr. BROCK. If I remember correctly, when we were debating the campaign reform bill in the Senate we put a $100 reporting requirement on. I thought that was an adequate figure, and I thought anything beyond that would constitute a tangible loophole.

I wonder why the Senator chose $2,500 instead of $100?

Mr. CLARK. We chose $2,500 because, in talking with the people on the staff and on the committee, we felt that was a more practical level than going down to $100, because a campaign contribution, of course, has a much more direct, presumably much more direct, effect on someone than simply an organization that contributes to another organization for lobbying. But it is an arbitrary figure, the $2,500.

Needless to say, I started out in my amendment for $500. I felt that was a better level, but I think that the majority——

Mr. BROCK. I would be willing to live with $500, but I do point out that $2,500 is a pretty high figure. It seems to me to extend this would go far beyond what the bill had originally established as a criterion.

Mr. CLARK. I might say to the Senator that the other consideration is that it does tighten up, in our judgment, the bill itself in that the bill said that you had to contribute as an individual more than 5 percent of the total money they received for lobbying and more than $1,000—I should say $1,000 if it was in excess of 5 percent, and in terms of a group if they contributed more than 1 percent or $1,000 that they had to disclose. In this case all disclosures, regardless of percentage, are included. It does have that advantage in terms of tightening up that section.

Mr. BROCK. I appreciate that part of it. I wish the Senator would consider at least reducing the threshold figure to something a little bit more realistic. I would say this is an awfully high threshold. What the Senator has done is establish a $2,500 campaign target for the solicitation of donors as the giveaway figure.

Mr. CLARK. Yes.

Mr. BROCK. I personally think that disclosure is a fundamental part of our objective in this bill, and I think it is important.

Mr. CLARK. I thank the Senator.

I might just say, in passing, why we thought going to this figure would be somewhat better and not allow what we consider to be somewhat of a loophole. Under the committee bill if you do not contribute more than 5 percent you do not have to disclose. In that case, just to take Common Cause, you would have to contribute in excess of $260,000 to have contributed more than 5 percent of the total lobbying funds, so you can contribute that amount, $260,000, without having to disclose.

Therefore, we felt by taking an exact figure, a flat figure, of $2,500, it would be more inclusive and easy to administer.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? Is all time yielded back?

Mr. RIBICOFF. I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CLARK. Yes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Alabama has been seeking recognition, and I know the Senator from New York also has been seeking recognition.

Mr. ALLEN. Mr. President, I merely wanted to move that the bill be recommitted to the Government Operations Committee, and I call for the yeas and nays.

Mr. JAVITS. Mr. President, will the Senator withhold that so I can deal with an amendment?

Mr. ALLEN. Yes.

Mr. JAVITS. Mr. President, I ask unanimous consent that Senator ALLEN may yield to me for 5 minutes without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNPRINTED AMENDMENT NO. 28

Mr. JAVITS. Mr. President, I call up an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes an unprinted amendment No. 28:

On page 60, after line 25, add the following:

(c) Whenever the Comptroller General requests the Attorney General to bring a civil action under subsection 11(d) or subsection 12(b), and the Attorney General fails

to bring such an action within sixty or ten days, respectively, of the date that the Comptroller General formally notifies the Attorney General of his intention to bring suit through his own attorneys, the Comptroller General may thereafter bring such suit in his own name through his own attorneys.

Mr. JAVITS. Mr. President, this amendment is intended to deal with the problem which we have been trying to correct by this bill of both authority and responsibility. The Attorney General must handle—a criminal action—because we cannot do anything about that.

But if he will not bring a civil action, and he has 60 days in which to do it, and the Comptroller General feels he should bring it, then the Comptroller General should be so empowered. The 10-day provision relates to the enforcement of a subpena. Obviously, that has to be a much shorter time.

Second, Mr. President, we have opinions from the Library of Congress which indicate this would be a constitutional provision. It differs from the Buckley case as the Comptroller General is not an official in the executive department of the President and, therefore, is differentiated from the members of the Federal Election Commission.

We also have an opinion from the Comptroller General in which he would like this amendment much wider. He simply wants the jurisdiction, period. But we think—that is Senator RIBICOFF, Senator PERCY, and I think—this is more advisable to give the Attorney General the opportunity to continue his jurisdiction. But if he does not continue it in time then the Comptroller General may proceed.

Mr. RIBICOFF. Mr. President, as the manager of the bill I accept the amendment of the distinguished Senator from New York.

Mr. PERCY. Mr. President, the Senator from Illinois accepts the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. Is all time yielded back? All time is yielded back.

The amendment was ageed to.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alabama had unanimous consent to retain the floor after 5 minutes yielded to the Senator from New York.

Mr. KENNEDY. Will the Senator yield to me to submit an amendment which I think will be acceptable with the understanding it does not go more than 2 or 3 minutes?

Mr. ALLEN. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts.

UNPRINTED AMENDMENT NO. 29

Mr. KENNEDY. With that understanding, I submit an amendment for myself, Mr. ABOUREZK, Mr. BURDICK, and Mr. METCALF.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. ABOUREZK, Mr. BURDICK, and Mr. METCALF, proposes an unprinted amendment No. 29:

On page 39, line 21, after "ment," insert the following: "or Indian tribe,".

Mr. KENNEDY. Mr. President, this language is added on page 39, line 21. The particular fifth paragraph says:

The communication or solicitation made by an individual directly employed by a State or local government.

Then we add:

or Indian tribe acting in his official capacity.

It just makes the provisions applicable not only to repersentatives of local or State municipal government, but also to Indian tribes.

Mr. RIBICOFF. Mr. President, the amendment is acceptable.

Mr. PERCY. Mr. President, the Senator from Illinois finds it acceptable.

Mr. KENNEDY. I yield back my time.

Mr. PERCY. We express our appreciation to the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I renew my motion to recommit the bill to the Government Operations Committee for further study. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, I hope that the Senate will reject the motion to recommit.

I point out to the Senate that we held 6 days of hearings, and we had over 25 witnesses. The witnesses were U.S. Senators, the Comptroller General, representatives of labor, industry, business. The Department of Justice, the American Civil Liberties Union, charitable organizations, public interest groups, leagues of cities, and the Sierra Club all testified. There was full discussion. The Department of Justice supports the bill.

May I add, the distinguished Senator from Alabama who moves to recommit voted in favor of this legislation as it was reported.

There have been efforts for many years to adopt a lobbying law that means something. The 1946 law, which is still in effect, is full of loopholes. It is on the books, but it has not been enforced.

I hope that the Senate will reject the motion to recommit.

Mr. KENNEDY. May I ask a question? Looking over the matter, is the Senator from Alabama a cosponsor of this legislation?

Mr. RIBICOFF. Yes, he is.

Mr. KENNEDY. And he is the one that made the motion to recommit.

Mr. RIBICOFF. It came out of Government Operations unanimously.

Mr. ALLEN. I think it has been demonstrated on the floor that the bill does need amendment, and I think that will be demonstrated further as other amendments are offered.

I think, too, that the limitation on time should be considered. Already, practically all of the time, if not all of the time, for discussion of the bill itself has expired.

I do feel that it has been pointed out by the various amendments that have been offered and the amendments that are in the wings that the bill could stand further study in the committee.

I feel that it would be in order, and a constructive action by the Senate, if it sent this bill back to committee and went on to more important legislation.

Mr. RIBICOFF addressed the Chair.

Mr. PERCY. Mr. President, I ask unanimous consent that a letter dated March 16, from the Department of Justice, signed by the Assistant Attorney General, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., March 16, 1976.

Hon. ABRAHAM A. RIBICOFF,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on Committee Draft Number One, modifying S. 2477, which is presently before your committee.

The proposed legislation would repeal the 1946 Regulation of Lobbying Act, and replace it with far more comprehensive provisions governing public disclosures by those who seek to influence the Legislative process. As you know, representatives from this Department testified on this bill, before your Committee on September 12, 1975. At that time, we recommended that S. 2477 be enacted and noted five features upon which we felt there could be some improvement.

It is our view that Committee Draft Number One rectifies most of these deficiences. By exempting from coverage only lobbying communications made directly to the Congress by State and/or municipal employees, the Draft should resolve the problem in the present Lobbying Act created by *Bradley* v. *Saxbe*, 388 F. Supp. 53 (D.C.D.C., 1974). Moreover, the Draft modifies the subsection of S. 2477 which purported to extend its coverage to certain types of lobbying solicitations directed at Executive Branch decision making, an area to which we had directed strong objections during our September testimony. Lastly, the Draft attempts to resolve the textual difficulties in the coverage sections which we noted previously.

We should note further that the Draft does not incorporate our recommendations with respect to the recordkeeping section and, in this regard, we urge the Committee to give additional study to the special investigatory problems which result from the invocation of the attorney-client privilege in cases of this kind. Since most of the individuals engaged in activities that would be covered, it seems, are attorneys, the privilege presents possible problems in effecting the expeditious civil and criminal enforcement of lobbying disclosure legislation.

Further, we strongly object to the vesting of civil litigative authority of any kind in the Comptroller General, even if this Department is given what amounts to a "right of first refusal" with respect to those matters as is the case with Committee Draft Number One. The exercise of litigative authority by the Comptroller General offends the separation of power doctrine as articulated in *Buckley* v. *Valeo*, No. 75-436, decided January 30, 1976.

On balance, therefore, we still believe that

S. 2477, as modified by the Committee in its Draft Number One, is an effective legislative proposal to rectify the glaring deficiencies in the 1946 Lobbying Act. With these reservations, we continue to recommend enactment of S. 2477.

Sincerely,

MICHAEL M. UHLMANN,
Assistant Attorney General.

Mr. PERCY. Mr. President, I would like to read only one sentence from that letter. The letter said:

On balance, herefore, we still believe that S. 2477, as modified by the Committee in its Draft Number One, is an effective legislative proposal to rectify the glaring deficiencies in the 1946 Lobbying Act. With these reservations, we continue to recommend enactment of S. 2477.

To the best of the knowledge of the Senator from Illinois, the only reservations the Justice Department has had are taken care of in the bill that is before the Senate.

Having had the hearings that have been enunciated by Senator RIBICOFF, having the support of the Department of Justice, having dealt effectively with the amendments so far and voted them up or down, the floor managers are willing to vote up or down any other amendments anyone wishes to put forward. I do not see anything can be gained by further hearings or study. I certainly trust Senators will vote not to send this back.

Mr. ALLEN. I yield to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. METCALF. Mr. President, the Senator from Connecticut enumerated many of the organizations that testified on this bill, but some of the organizations, the national organizations he listed, have just reached consensus on a coalition amendment that I was unable to introduce until a few minutes ago.

Despite the 6 days of hearings and despite the markup—and as I said to the Senator from Connecticut, I attended most of the markup and participated in it and was outvoted almost every time—I want to call the Senator's attention to some of the comments of some of these organizations.

For instance, a letter from James L. Robinson, director of the U.S. Catholic Conference, who says that he supports my amendment. The U.S. Catholic Conference is not required to register under the present law, nor are other church agencies:

While we would not object to reasonable registration and reporting requirements for the U.S. Catholic Conference, the committee's bill is not reasonable either as to which organizations must register or as to the reporting requirements.

Then he goes on to say that their organization is for my amendment, and they would prefer to have a more reasonable bill.

The Sierra Club has written a letter, and I will put it in the RECORD, that is on every Senator's desk today.

The Sierra Club says that they cannot survive if this bill is passed, that it will cost them twice as much to conduct the same lobbying activities.

The AFL–CIO says that while they are for lobbying disclosure, they are opposed to this legislation.

I have another one here, stating the need to revise the laws governing lobbyists cannot alone justify the passage of this antidemocratic bill. That is from Congress Watch.

Mr. PERCY. If the Senator will yield for just a correction, the Senator commented on the letter from the Sierra Club. Something in that letter reads:

S. 2477 could require our Controller to annually attempt to collect and report as many as 50,000 lobbying transactions directed at Congress by private citizens.

This is an absolutely false statement. The Sierra Club has announced since this letter that the statement is incorrect.

I remind the distinguished Senator, who is a very outstanding member of our own committee, that we held hearings a year ago April—that was April, 1975. This bill has been on the calendar since April 26 of 1976, and for the Senator from Montana to just receive an amendment a few minutes ago from some organization, that organization has been sound asleep if they have not known that this bill has been under consideration for a long time by the Senate.

Mr. METCALF. If the Senator from Illinois will let the Senator from Montana get the floor back, the Senator from Montana has, almost every day, placed statements in the RECORD regarding some of the weaknesses in this bill. The Senator from Illinois knows, and the Senator from Connecticut knows, that the Senator from Montana has labored just as valiantly as anyone to try to get a lobbying disclosure bill, one that would be reasonable, that could provide for meaningful reporting by the various lobbying groups, and at the same time would not deprive people of their 1st, 4th, or 14th amendment rights.

Let me read another communication from the Environmental Policy Center, which includes such organizations as the Sierra Club, the Friends of the Earth, and so forth:

The legislation has been drafted with contempt for the small and independent interests that most deserve the respect of Congress. After months of negotiation with a reluctant committee staff, most public interest organizations were led to believe that even though the sponsors of the legislation insist on retaining S. 2477's scurrilous political concepts, the bill was not amended in committee to correct the flagrant bias in favor of corporate-style lobbyists.

I do not completely agree with that because the Senator from Connecticut did give all an opportunity to participate in the markup of the bill. But all of these great organizations—Congress Watch, headed by Ralph Nader; the National Association for the Advancement of Colored People, the Catholic Conference; the American Civil Liberties Union, the League of Women Voters, the United Auto Workers, the AFL–CIO, and the National Chamber of Commerce—all convinced that this bill needs considerably more work and considerably more attention than has been given it by the committee or can be given it by the Senate in the limited time that we have under the unanimous-consent agreement.

Mr. RIBICOFF. May I respond by stating first that the distinguished Senator from Montana will have an opportunity to present his amendment. He has asked the majority leader to defer the vote on his amendment until tomorrow.

Further, it should be pointed out that what we have here is a question of the self-respect of the Senate. Mr. Nader, who is probably the most effective lobbyist in this country, wants exemptions. The AFL–CIO wants exemptions. As far as this Senator is concerned, I have no apologies to make for my voting record concerning labor. What we have tried to do in this bill is to be evenhanded, to make sure that we treat everybody in this country the same, be it the Manufacturers Association, the Chamber of Commerce, the AFL–CIO, or public interest groups.

As far as I am concerned, Ralph Nader is a lobbyist, some of the organizations that work with him are lobbyists, and they should be required to register the same way the Manufacturers Association or the Chamber of Commerce would register. We should not exempt Ralph Nader or AFL–CIO groups, or public interest groups who are lobbyist. They have a right to make their position known. Everybody has a right to make their position known. They need not apologize for this.

But this bill is an evenhanded bill.

I think in the shown down we will reject the proposed exception for AFL–CIO and Ralph Nader.

Mr. METCALF. Mr. President, if the Senator from Alabama will yield further——

Mr. ALLEN. I yield.

Mr. METCALF. The AFL–CIO is not opposed to this legislation insofar as the registration for their parent organization is concerned.

They say, "the AFL–CIO, as well as these other groups, is convinced that organizations carrying on substantial lobbying activities should be required to register and file reports that give a fair picture of the extent and nature of their lobbying."

What the AFL–CIO is concerned about is that these affiliates in the various States will also be covered by all of this blizzard of paperwork; will be covered with the burdensome reporting requirements. The same is true of Mr. Nader's public interest groups.

The Senator from Connecticut has consistently said that the Senator from Montana is only concerned with the public interest lobby. That is just not the fact, as has been brought out by the various amendments I have offered.

I have offered amendments largely to protect the rank and file groups, the small groups, the farmer groups, the people who come in and talk about small business legislation, and try to see their Senators and other Senators with a like interest.

When the AFL–CIO, the National Association of Manufacturers, Ralph Nader's group, and the National Chamber of Commerce all get together and complain about this bill, then there is something very, very wrong about it.

Mr. RIBICOFF. There is nothing wrong about it. The special interest groups say, "Let us make others register, but leave us alone."

I am so pleased that there are so many Members in the Chamber because there will not be very many at 9 o'clock tomorrow morning.

The amendment that will be offered by the distinguished Senator from Montana, which I have not yet seen, provides that the law will primarily affect only those organizations which are based in the greater Washington area. So if there is an organization that is affiliated with a lobbyist and it is located in Chicago, New York, Baltimore, or Columbia, Md., they are not subject to this lobbying law unless they lobby in Washington on 5 or more days in a quarter.

The Senator would exempt those affiliated organizations, even though they come from Chicago, New York, or Baltimore to Washington and spend 4 days lobbying, and they will be exempt.

So the question we are going to face, and this is basic is: are we going to say that we are going to pass a law that makes fish of one and fowl of another?

Are we going to pass a law in the Senate in response to groups which say the law exempts us but does not exempt others.

Ralph Nader feels that his organization has a right to lobby all of us and tell us that some of the organizations Ralph Nader works with should not register. The AFL–CIO feels affiliates should be exempt.

I hope we reject the motion of the Senator from Alabama to recommit this bill.

Mr. METCALF. Mr. President, the Senator from Connecticut has told us that he has not read the amendment. He obviously does not know what is in my amendment because he is making statements about it that are completely erroneous. We will debate that tomorrow, I hope on the basis of rationality.

The thing I was pointing out in support of the motion of the Senator from Alabama was that many of these organizations that feel they should be covered, that feel they want to report, believe that in order to protect some of their affiliates we have to have a different type of legislation than has been brought to us today by the Government Operations Committee.

I am going to offer some amendments immediately. I have refrained from offering a series of amendments until these other amendments have been considered. I have five amendments. I have 2 hours and 25 minutes remaining to debate those five amendments. So has the Senator from Connecticut. I hope we do not debate them on the basis of whether or not the AFL–CIO is covered by an amendment when the Senator from Connecticut has not read it. It certainly is covered by the amendment I am going to propose.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield to the Senator from Illinois.

Mr. PERCY. Is the Senator from Montana for or against the pending motion to recommit?

Mr. METCALF. I am going to vote to recommit. I am going to vote to recommit in order that, in a different atmosphere, I can submit in the committee some of the amendments that have been prefected since this bill came up, and we can bring it back, rather than have to take up the time of the entire Senate in this debate.

The PRESIDING OFFICER. The time for proponents of the motion has expired.

Mr. KENNEDY. Mr. President, will the Senator yield? Does the Senator have 1 minute?

Mr. RIBICOFF. Do I have any time left?

The PRESIDING OFFICER. One minute.

Mr. KENNEDY. Mr. President, I would just say that I would hope that the motion to recommit would not be successful this evening. I am not sure about how I will vote on the various Metcalf amendments. I might vote for some, or offer some other amendments to those; but it does seem to me to be premature, at this time, to vote to recommit this legislation.

I think if such a motion is to be considered—I would hope it would not be, but if it is, I would hope it would be after the Senate has an opportunity to work its will on the Metcalf amendments. He has given a great deal of time to this measure, and I think the Senate would benefit from further discussion and debate. I agree with the Senator from Connecticut that this is a very important measure, and ought not to be recommitted at this time.

Mr. DURKIN. Mr. President, I detect here an effort to take the politics out of government. The supporters of this bill seem to be arguing that we should all put on white robes and somehow remain aloof from the dirty task of give and take which is really what politics is all about in a diverse democracy such as we have in America.

That is not to say that I do not think large corporations and large labor unions and other special interests do not have influence over the Congress, over the White House and administrative agencies, over the supposedly independent regulatory authorities. I could not agree more that we need reform in this area—reform that opens up the entire process to the little guy as well as the rich and powerful, the weekend activist as well as the paid lobbyist, so the full play of forces can replace the otherwise limited competition for influence and power.

The public has the right to know who is doing the lobbying, where they are getting their money, and what they are pushing for.

But I am also concerned that we do not pass legislation which would unduly restrict and discourage the first amendment right of any citizen or group of citizens to communicate on behalf of any proposal, as guaranteed by the Constitution. If a disclosure law is too broad or too restrictive—as I think this one is—we may find that only big business and big labor are able to afford lobbying activities.

The whole purpose of my short tenure as a Senator, Mr. President, has been to open up lines of communication between the ordinary citizens of New Hampshire and the U.S. Senate. That has meant putting in a toll-free citizen hot line direct to my office, and reading all the New Hampshire mail as it comes in and goes out. And it has meant dispatching a mobile office to parts of New Hampshire which in the past have seen signs of the U.S. Senate only every 6 years or so.

In that background, I think it would be a shame to pass legislation which might impair the willingness or the ease with which my constituents communicate with me. If a citizen wants to write me every day or week, or call the hot line every day or week, or visit me or my staff in the mobile office once every day, I think that is great. And I would not want to impose upon that citizen any requirement to register as a lobbyist, disclose personal financial data or publish the purpose of any communications.

Let us face it. Nothing we can do here today is going to really reduce the interest or the ability of Exxon, the AFL–CIO, or the Business Roundtable or the Chamber of Commerce to contact Members of Congress to attempt to influence votes, either through sheer force of logic or sheer force. But if we are not careful, we make it very difficult for the Right to Lifers or the antiwar activists and many other less well organized and well financed groups from marshalling their forces through letters, phone calls and demonstrations on the Capitol steps, et cetera. And that, I am afraid, is what we are being asked to do today.

In a democratic society, government is the translation of political sentiment into public policy. One way to diminish that democracy is to limit which political sentiments can be translated in the process—an approach taken by the committee draft. To my mind the better approach is to make sure that the full range of political sentiment is added into the equation, so that the translation is an accurate reflection of the will of all the voters, not just the vested interests.

This bill as reported would send us in the wrong direction at the wrong time. I would much rather see a proposal to install, a toll-free citizen hot line in every Senate office, so every citizen, rich or poor, young or old, influential or not, could contact every Senate office at any time and on any point without triggering an avalanch of regulations and paperwork.

If S. 2477 is going to pass as reported, we should at least require the multitude of reports be printed on recycled paper. At least then we can save some of our trees.

The PRESIDING OFFICER. All time

having expired, the question is on agreeing to the motion of the Senator from Alabama to recommit the bill. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. HUGH SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The result was announced—yeas 21, nays 60, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—21

Allen	Helms	Talmadge
Bartlett	Hruska	Thurmond
Buckley	Johnston	Tower
Dole	McClure	Young
Durkin	McIntyre	
Fannin	Metcalf	
Fong	Scott, William L.	
Garn	Sparkman	
Hansen		

NAYS—60

Abourezk	Glenn	Muskie
Baker	Gravel	Nelson
Beall	Hart, Gary	Nunn
Bellmon	Hatfield	Packwood
Bentsen	Hathaway	Pastore
Brock	Hollings	Pell
Brooke	Huddleston	Percy
Bumpers	Humphrey	Proxmire
Burdick	Inouye	Randolph
Byrd, Harry F., Jr.	Javits	Ribicoff
Byrd, Robert C.	Kennedy	Roth
Cannon	Laxalt	Schweiker
Case	Leahy	Scott, Hugh
Chiles	Long	Stafford
Clark	Mansfield	Stevens
Cranston	Mathias	Stevenson
Culver	McGee	Stone
Domenici	Mondale	Tunney
Eagleton	Montoya	Weicker
Ford	Morgan	
	Moss	

NOT VOTING—19

Bayh	Hart, Philip A.	Pearson
Biden	Hartke	Stennis
Church	Haskell	Symington
Curtis	Jackson	Taft
Eastland	Magnuson	Williams
Goldwater	McClellan	
Griffin	McGovern	

So the motion to recommit was rejected.

ORDER FOR ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 8:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes, after the two leaders have been recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBYING DISCLOSURE ACT OF 1976

The Senate continued with the consideration of the bill (S. 2477) to provide more effective disclosure to Congress and the public of certain lobbying activities to influence issues before the Congress, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at approximately a quarter to 9 or 10 to 9, the distinguished Senator from Maine (Mr. HATHAWAY) call up one of his amendments. I understand that there may be a compromise as to the other amendment. Also, I ask unanimous consent that on the Hathaway amendment there be one-half hour, the time to be equally divided between the Senator from Maine and the Senator from Connecticut, the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following disposal of the Hathaway amendment, the amendment of my distinguished colleague, the Senator from Montana (Mr. METCALF), which I understand will be called up tonight, with accompanying data, become the pending business; that there be 2 hours on the major Metcalf amendment, with 1½ hours to the Senator from Montana and one-half hour to the Senator from Connecticut, the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. When we reach that point—I would hazard a guess that it would be somewhere around noon—I hope we could approach final passage.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. I remind the Senate that we have the Federal Energy Administration extension bill coming up tomorrow. It is very important to dispose of it, because the Federal Energy Administration goes out of existence, I believe, at the end of this month.

We have several other bills having to do with maritime authorization, Coast Guard authorization, and the like, which we had hoped to be able to complete tomorrow, and then, finally, to take up the tax reform bill.

It is the intention of the leadership, in view of developments, to ask permission of the Senate that we not take up the tax reform bill until Wednesday, so that we might be able to clear the calendar as much as possible.

COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may have until 11 o'clock tomorrow morning to meet during the session of the Senate.

Mr. KENNEDY. Mr. President, I have no intention of objecting——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF addressed the Chair.

The PRESIDING OFFICER. The Chair withholds its ruling.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the order for the recognition of the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Chair lay before the Senate the unfinished business.

Mr. CANNON. Reserving the right to object, Mr. President, the Aviation Subcommittee has set hearings on the issue of regulatory reform for a long period of time. We have scheduled witnesses. The Aviation Subcommittee has set hearings on the issue of regulatory reform, particularly of the Civil Aeronautics Board, in the aviation field, for a long period of time. We have scheduled witnesses in advance. We have worked out the arrangement on the understanding that we could go until 1 o'clock every day. We have witnesses here on that basis. We went until 1 o'clock today, and I hope we will have permission to go from 9:30 in the morning until 1 o'clock without disrupting our schedule. We expect to do that every day this week.

Mr. MANSFIELD. The Senator is aware of the schedule that confronts the Senate. If the committee met beyond 12:10 today, it was not meeting legally, because the Senate only granted permission for committees to meet until 12:10.

I suggest to the Senator that, insofar as he can, he set his committee meetings a little bit earlier, and I will change my unanimous-consent request, which will hold unless modified, to allow all committees to meet until 12 o'clock.

Mr. TOWER. I object.

Mr. MANSFIELD. On Tuesday, Wednesday, Thursday, and Friday of this week.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. What we are trying to do is to get some order and to give some assurance.

Mr. TOWER. If the majority leader will yield, I think that if we could do this on a selective basis, I would not mind accommodating the Senator from Nevada. Some people on our side of the aisle would not like to give permission for all committees to meet beyond the time in the original agreement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in view of the long-time commitments made by the Senator from Nevada, his subcommittee

be allowed to meet until 1 o'clock tomorrow afternoon.

Mr. CASE. Mr. President, reserving the right to object, will the Senator broaden that to include the Committee on Foreign Relations, until 12?

Mr. MANSFIELD. Is there an overriding reason?

Mr. CASE. Yes, there is. We have a request from the administraion to consider appointments that are very important.

Mr. PASTORE. Mr. President, will the majority leader yield for a question?

Mr. MANSFIELD. Let me state this first.

In view of the questions raised, I include the Committee on Foreign Relations in that category.

Mr. KENNEDY. Mr. President, I know that the majority leader does not want to extend it, but the President's Panel on Biomedical Research, which was appointed by the President of the United States, has had hearings in the Health Committee, which we have set for 8 weeks, for Wednesday and Thursday of this week. It is with the request of the administration. Some of the witnesses are coming from across the country. That is the only point I would like to raise.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may meet until 1 p.m. tomorrow.

I put the Senate on notice that it will be very doubtful that any committees will meet for the remainder of this week, unless for extraordinary reasons.

Mr. TOWER. Reserving the right to object, Mr. President, and I dislike to object, I think I must defend certain people on my side of the aisle. Therefore, I feel constrained to object. If these unanimous-consent requests were propounded on a committee-by-committee basis, I think we could make some accommodations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senator KENNEDY'S committee, the Committee on Foreign Relations, and Senator CANNON'S Subcommittee of the Committee on Commerce be allowed to meet, despite the session of the Senate, until 1 o'clock tomorrow afternoon.

Mr. PROXMIRE. How about the Committee on Banking, Housing and Urban Affairs?

Mr. PASTORE. Hallelujah.

Mr. TOWER. That I will object to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Will there be any more votes tonight?

Mr. MANSFIELD. No.

LOBBYING DISCLOSURE ACT OF 1976

The Senate continued with the consideration of the bill (S. 2477) to provide more effective disclosure to Congress and the public of certain lobbying activities to influence issues before the Congress, and for other purposes.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. METCALF. As I understand the unanimous-consent agreement promulgated by the distinguished majority leader, in spite of the fact that the Senator from Maine is going to have an opportunity to present his amendment I am going to call up tonight, as the unfinished business, amendment No. 1830. That is the so-called coalition amendment. That will be debated after the amendment of the Senator from Maine.

Mr. MANSFIELD. That is correct.

Mr. METCALF. And I will have an opportunity later tonight to put in the RECORD various material pertinent to that amendment.

Mr. MANSFIELD. Yes. Is the Senator correct in his assumption that this will be the remaining amendment of the Senator from Montana and the other will be withdrawn?

Mr. METCALF. Yes.

If I may have attention of the Senator from Connecticut, we have an agreement on amendment No. 1651, which I understand he will accept. I would like to offer it and have the Senator from Connecticut accept it, and then I will withdraw my other amendment.

Mr. RIBICOFF. We cannot accept amendment 1651 as it now stands. There is a possibility of working it out. At this time, I cannot agree to accept it as it is now at the desk. But I think that the Senator's staff and my staff and Senator PERCY'S staff could probably work it out between now and tomorrow morning.

Mr. METCALF. Mr. President, I ask unanimous consent that after I am recognized tomorrow to present amendment No. 1830, I may have 5 minutes to present amendment No. 1651 in advance.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that David Moran of my staff be granted floor privileges during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, on my amendment, which is the first one up tomorrow morning, there undoubtedly will be a rollcall vote. It probably will occur about 9:15 a.m.

Mr. MANSFIELD. I am glad the Senator said that. The Senate is now on notice.

ORDER FOR TECHNICAL AND CLERICAL CORRECTIONS IN ENGROSSMENT OF H.R. 9019

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossmen of Senate amendments to H.R. 9019, the Health Maintenance Organization Amendments of 1975.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. MANSFIELD. I renew my request that after the order for recognition of Senator HARRY F. BYRD, JR. of Virginia, the Senate proceed to the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS TOMORROW

Mr. MANSFIELD. Mr. President, it is my understanding that the Senate has agreed to the unanimous-consent request that the Committee on Foreign Relations, the Kennedy committee, and the Cannon committee be allowed to meet until 1 o'clock tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. The Kennedy committee will be Wednesday and Thursday instead of tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS— S. 2477

Mr. METCALF. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the amendment of the Senator from Maine and on my amendment No. 1830, and on passage of the legislation. I ask for one show of hands.

The PRESIDING OFFICER. Is there an objection to the order for the yeas and nays on two amendments that have not been offered?

Mr. METCALF. 1830 has been offered.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. Will the Senate give the Chair its attention, please?

Will the Senator from Montana again recite those amendments on which he ordered the yeas and nays?

Mr. METCALF. The amendment of the Senator from Maine (Mr. HATHAWAY), which is the first amendment tomorrow.

The PRESIDING OFFICER. The yeas and nays of the Senator from Maine.

Mr. METCALF. My amendment No. 1830, which would be the order of business tomorrow.

The PRESIDING OFFICER. Amendment 1830.

Mr. METCALF. And passage on the bill, S. 2477.

The PRESIDING OFFICER. On passage.

The Chair thanks the Senator.

AUTHORIZATION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO MEET UNTIL 12 NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be al-